

Understanding Child Support A Handbook for Parents



866-540-0008 Michigan.gov/ChildSupport





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Child support definitions

Every child needs financial and emotional support. Every child has the right to support from both parents. Even when parents do not live together, it is important they work together to support their child. With the help of both parents, children get the chance to reach their full potential.

This handbook gives you general information about child support in Michigan.

Before you begin, here is a list of definitions that will help you with this handbook:

Child support

The payment of money for a child that is ordered by the circuit court. Support may include payment of medical, dental, and other health care expenses, as well as childcare and educational expenses.

Civil contempt of court

Not doing what the court has ordered you to do.

Custodial party

The person who has the primary care, custody, and responsibility of a minor child.

Disbursement

Paying out of collected child support funds.

Intergovernmental

Describes a case in which the child and non-custodial parent live in different states, countries, or Tribal nations.

Minor child

A person under the age of 18 years.

Non-custodial parent

Parent not living with the minor child. When the minor child lives parttime with both parents, the non-custodial parent is the parent who spends fewer overnights with the child.

Paternity

Fatherhood; a legal father for a child.

Paternity establishment

A procedure to confirm a legal father of a child born to an unmarried woman. Paternity may be established voluntarily by signing a paternity affidavit, by requesting genetic testing, or by entering a court order.

Payer

Parent who owes or pays child support.

Public assistance

Cash assistance (Family Independence Program [FIP]), childcare assistance (Child Development and Care - CDC), Food Assistance Program (FAP), medical assistance (which includes but is not limited to Medicaid), or foster care.

What is child support?

Child support is money a parent pays to help meet their child's needs when the parent is not living with the child. The court orders the support. Support may include payment of medical, dental, and other health care expenses, as well as childcare and educational expenses. The support may be part of a court order in a(n):

- Divorce.
- Paternity action.
- Child custody action.
- Family support action.
- Intergovernmental action.

Parents or custodians who want help to establish, collect, or pay child support may apply for IV-D child support services.

What is "IV-D"?

Title IV-D (pronounced *four-dee*) of the Social Security Act created the child support program and set the rules that all states' child support programs must follow. Often, the child support program is referred to as the "Title IV-D program" or the "IV-D program." Parents and custodians can receive help in establishing and enforcing child support and medical support through the IV-D program. There may be court fees applied to the case after a child support order is established.

Who can receive child support?

A person can receive child support if each of the following apply:

- They are the parent of a minor child or have responsibility for a minor child.
- The minor child lives in the person's home.
- The minor child is financially dependent on that person.
- One or both of the minor child's parents do not live with the minor child.
- The court has ordered a child support payment.

Under Title IV-D of the Social Security Act (IV-D program), what child support services are available?

Services provided by Michigan's child support program include:

- Locating parents.
- Establishing paternity.
- Establishing court orders for child support, medical support, and childcare expenses.
- Changing (modifying) court orders when appropriate.
- Enforcing court orders for child support, medical support, and childcare expenses.
- Working with other states, countries, and Tribal nations to establish and/or enforce support when one parent does not live in Michigan or has assets in another state.
- Collecting and processing child support payments.

What child support services are not available in the IV-D program?

Michigan's child support program cannot help with:

- Obtaining a divorce.
- Establishing spousal support (alimony) orders.
- Enforcing spousal support if there is no child support in the order.
- Legal advice or counsel.
- Custody and parenting time.

Contact your Friend of the Court for additional information about these services.

How does the Michigan child support program work?

The Office of Child Support, the Prosecuting Attorney's office, and the Friend of the Court office work together to help families through the Michigan child support program.

The child support program helps families become or remain self-sufficient. By working with both parents to establish and enforce support orders, Michigan's child support program helps a child receive financial support, medical support, and help with childcare expenses.

Office of Child Support

The Michigan Office of Child Support is part of the Michigan Department of Health and Human Services (MDHHS). Child support specialists in the Office of Child Support help families by:

- Locating non-custodial parents.
- Providing information about voluntary paternity establishment.
- Making a referral to the Prosecuting Attorney to establish paternity and/or obtain a support order.
- Referring an existing support order to the Friend of the Court for enforcement.
- Helping decide what action to take in an intergovernmental case.

If you get public assistance, the Office of Child Support may contact you to review of what services your family needs.

Prosecuting Attorney's Office

The Prosecuting Attorney's office establishes paternity and support orders and helps locate non-custodial parents. The Prosecuting Attorney's office may ask you to provide information and/or come to their office to start a court case for child support.

Friend of the Court Office

The Friend of the Court office:

- Enforces support orders.
- Modifies orders.
- Registers Michigan orders in other states, countries, or Tribal nations.
- Starts income withholding.
- Helps locate non-custodial parents.

How can I apply for IV-D child support services?

If you are a mother or father of a minor child, or have responsibility for the care of a minor child, you can apply for child support services through the Office of Child Support in one of three ways:

- Apply online. Go to Michigan.gov/MiChildSupport and complete the online application. This is the quickest and easiest way to apply for child support services.
- Complete a paper application. Go to Michigan.gov/ ChildSupport. Select "Resources," then select "For Child Support Policy, Forms and Publications" to find and print the *IV-D Child* Support Services Application/Referral (DHS-1201). You may send the completed application or a written request for child support services to:

Michigan Office of Child Support Central Operations PO Box 30744 Lansing, MI 48909-8244

Or you may send the completed application or a written request for child support services to your local MDHHS office, Prosecuting Attorney's office, or Friend of the Court office.

 Call the toll-free number. When you call, request the application for services, or ask for general child support information: 866-540-0008.

After I apply, what else must I do?

It's important that you help the child support program with your case by providing information as needed. Your help will improve your chances of getting an appropriate support order.

If you have a Social Security number, you must provide it to the child support program to get child support services. This is required by federal law (Social Security Act, 42 United States Code (USC) 666(a)(13)).

You must report changes that may affect your case. You must report when:

- You or the other parent moves.
- You or the other parent gets a new phone number.
- You or the other parent gets a new job.
- The number of children living with you changes.

- You have new information that might help locate the other parent.
- You have new information about health care coverage.
- You apply for public assistance.
- You are involved in other court actions involving support payments (for example, a divorce action).

What if I am receiving cash and/or medical assistance?

Your MDHHS worker will refer you for child support services when **all** of the following apply:

- You are receiving cash and/or medical assistance.
- You have a minor child in your home.
- One or both of the parents do not live with the child.

You will receive a letter about the child support program from the Office of Child Support. You must follow the steps on the letter. To continue receiving your cash and/or medical assistance benefits, you must cooperate with the Office of Child Support, the Prosecuting Attorney's office, and the Friend of the Court.

If I receive cash and/or medical assistance, must I cooperate with the child support program?

Yes, you must cooperate with child support activities unless you have an approved good cause claim (see below). If you do **not** cooperate with child support actions, your eligibility may end for cash and/or medical assistance. However, other types of public assistance you may receive (like food assistance) will not be affected. Contact your MDHHS worker for more information.

What if I am receiving only food assistance and/or childcare assistance?

If the **only** public asssistance you receive is food and/or childcare, you will receive a letter from the Office of Child Support offering you child support services. The letter will discuss the benefits of the child support program and how you can apply for help. It is your decision whether you apply for child support services. You have to cooperate with the child support program only if you receive cash and/or medical assistance.

What is good cause? How do I claim good cause?

MDHHS will **not** require you to pursue paternity or child support under specific circumstances. You can claim good cause for not cooperating to get child support when there is danger of physical or emotional harm to you or your child. To claim good cause, contact your MDHHS worker, discuss your circumstances, and ask to complete the *Claim of Good Cause* form (DHS-2168). You may be asked to provide information regarding your request.

If I fear for my or my child(ren)'s safety, how can the child support program protect my personal information?

The child support program has certain protections in place for survivors of family violence so that the child support program can still obtain a support order for the children and collect support for the family. If you ask the child support program to protect your case information due to family violence, it will:

- Keep your addresses confidential and will not print them on any forms that the child support program mails or sends. This includes your home address, your employer address, the children's address and school address.
- Ask you for a different address to be used for any mail that is sent to you. This is referred to as an alternative address. This may be another residential address in which you feel it is safe to receive mail.
- Keep your Social Security number, driver's license number, and telephone number confidential.

However, the child support program cannot protect you from the other party's knowledge that you are receiving IV-D child support services. The child support program will send information to the other party about the program's attempts to obtain a support order and payments. This will not include your addresses, Social Security number, driver's license number, or telephone number. Unless you receive cash and/or medical assistance, IV-D services are voluntary, and you may choose to decline IV-D services based on your situation.

Who receives the money from support payments if I am receiving public assistance?

If the family has never received public assistance benefits, all support payments go to the family.

If the family is receiving food assistance and/or childcare assistance or has received it in the past, support payments go to the family.

If the family is receiving cash assistance and a parent pays child support in the month it is due, the family receives this money. The family can keep the monthly child support payment and the monthly cash assistance. When a parent does not pay child support in the month it is due, the amount due is called "past-due child support" (also referred to as an "arrearage"). Past-due child support is owed to the state even after the family stops receiving cash assistance.

If the family is receiving medical assistance for a child and a parent pays medical support in the month it is due, the state will receive this money. If a parent does not pay medical support in the month it is due, the past-due amount is owed to the state even after the family stops receiving medical assistance.

When the family stops receiving cash assistance and/or medical assistance, the current month's support goes to the family. If past-due support is owed to the family, the family gets the money first. The state will receive any unpaid support only after the family receives their past-due support first.

NOTE: Under federal law, if money is owed to the state and if the state takes a non-custodial parent's federal income tax refund, the state gets its share of the refund first.

If I apply for child support services, do I have any rights?

Yes, you have the right to:

- Receive fair and nondiscriminatory treatment.
- Have all your private data treated confidentially.
- Be notified of all important actions concerning your case.
- Participate in any court action involving your case.
- Ask for reviews and changes to your support order.

What must be done before I can get a child support order?

Identify both parents who are responsible for the child.

Every child has both a biological mother and a biological father. The biological father is the man whose sperm joined the mother's egg to create the baby. The legal father may not be the biological father. The legal father is the man the law recognizes as the father of the child.

When a married couple has a child, the law automatically recognizes the husband as the child's legal father.

When an unmarried woman has a child, an official action is needed to establish the legal father of the child. This official action is called "paternity establishment."

Paternity can be established in the following ways:

- If a child is born to an unmarried mother, she and the man claiming to be the father can sign an *Affidavit of Parentage* form to establish the legal father.
- A court can determine the legal father of the child.

Genetic testing can determine the biological father of a child. The mother or a man claiming to be the father may want proof that the man is the biological father of the child before he is named the legal father. In that case, he or the mother may request genetic testing. This testing may show that the man is **not** the biological father of the child, or it may show greater than 99 percent likelihood that the man is the father.

Once legal parents have been identified, an order for child support can be established.

It is important to establish the legal father of a child.

Establishing paternity gives a child born outside of marriage the same legal rights as a child born to married parents. A child with a legal father is entitled to benefits through the father. These benefits include Social Security benefits, veterans' benefits, and inheritance rights. Children may also benefit by knowing their family's biological, cultural, and medical history.

The child support program may help either parent establish paternity for a child who does not have a legal father. Paternity must be established before the court can order child support.

Work with the Prosecuting Attorney's office to start a case.

After you speak to a child support specialist, a Prosecuting Attorney in your county will contact you and ask you to provide information, complete a questionnaire, and schedule an interview in their office. You must attend this interview to help the Prosecuting Attorney with the filing of your case.

If you are receiving cash and/or medical assistance, you must help the Prosecuting Attorney with your child support case. If you do not help, MDHHS may end your cash and/or medical assistance. When you go to the Prosecuting Attorney's office, bring copies of documents, such as:

- Driver's license or other valid photo identification.
- Proof of residency if the address on the photo identification is not accurate.
- Social Security card.
- Marriage certificate and/or a Judgment of Divorce.
- Birth certificate or a verification of birth for the child(ren).
- Proof of income (pay stubs, tax returns, Social Security income, etc.).
- Child support orders from other states.
- Photo of the non-custodial parent.

Locate both parents responsible for the child.

To obtain a child support order, the Prosecuting Attorney's office must notify the parties (most often the legal parents) that it is trying to establish an order. In some cases, no court action can be taken if one of the parents cannot be located.

If the Prosecuting Attorney's office does not know the location of the people involved in the court action, they will work to find them. Providing the Prosecuting Attorney's office with any information you have will help them establish support for the child(ren).

How are support orders established?

The Office of Child Support (usually through the Prosecuting Attorney) or a parent may ask the court to issue a support order. The court generally orders the non-custodial parent to provide support for the child who is living with the other parent. The court sets the amount of child support, medical support, and childcare support a parent must provide.

How is the amount of child support determined?

In Michigan, the amount of child support is determined using the guidelines established by the Michigan Supreme Court. Child support guidelines are based on the monthly net income of both parents and the time the child spends with each parent.

The court reviews child support agreements to make sure the guidelines are applied correctly and the child support amount is appropriate. In some cases, the court may decide not to use the guidelines to determine the amount of child support.

For more information, see the *Michigan Child Support Formula Manual* available from the State Court Administrative Office (SCAO), or on the SCAO website at courts.Michigan.gov/administration/offices/friend-of-the-court-bureau/mcsf/?r=1.

Can I calculate the amount of support the court may order?

Yes. To calculate the amount of support the court may order, you may use the MiChildSupport Calculator.

What is the MiChildSupport Calculator?

The MiChildSupport Calculator is a free online tool that can be used to create child support calculations. The calculations are based on the *Michigan Child Support Formula Manual*. The calculation is only as accurate as the information that is entered into the Calculator. The Calculator is located at Michigan.gov/MiChildSupport and includes frequently asked questions (FAQs) and other resources to help create calculations.

Does the MiChildSupport Calculator create a child support order?

No, the MiChildSupport Calculator does not create a child support order, but it does create a summary that includes detailed information about the calculation and the information the calculation is based on.

What other types of support can be ordered?

In addition to cash child support, there are two other types of support that can be ordered: medical support and childcare expenses.

Medical support

Michigan law states that the court must order one or both parents to get health care coverage (private health insurance or government programs such as Medicaid, Healthy Michigan Plan, and MIChild) for their child. The health care coverage must be reasonable in cost, and the health care providers must be close enough to be available to the child. The support order defines "reasonable cost." Generally, health insurance is considered reasonable if the cost to enroll the children does not exceed 6 percent of the providing parent's gross income. The court may set a dollar limit on what a parent has to spend for the cost of health insurance. The court may also order one or both parents to pay for health care expenses not covered by insurance.

Childcare expenses

The court may include an amount covering work-related childcare expenses when the child is less than 12 years old. Work-related childcare expenses are those that allow the parent to look for employment, keep paid employment, or to enroll in and attend an educational program that improves employment opportunities. Using each parent's income, the court decides the amount for this expense.

How do I make a child support payment?

The Michigan State Disbursement Unit (MiSDU) receives and disburses child support payments in Michigan. Child support payments must be sent to the MiSDU.

What are my payment options?

If you are the payer in a child support order, child support may be deducted from your income. This is called income withholding. Income withholding is mostly done by employers. Employers will send the withholdings directly to the MiSDU. If you do not have income withholding, you have many payment options:

- Check.
- Money order.
- Cashier's check.
- Certified check.
- Credit card: MasterCard, Discover, American Express, Visa.
- Debit card (must have the MasterCard or Visa logo).
- Online at MiSDU.com.

- Phone at 877-543-2660.
- Western Union.
- PayNearMe locations.

Payments must be sent to:

Michigan State Disbursement Unit PO Box 30351 Lansing, MI 48909-7851

How do I contact the MiSDU for more information?

You can contact the MiSDU by calling your local Friend of the Court IVR (interactive voice response) number at 877-543-2660 and following the prompts to the MiSDU.

The MiSDU customer services staff are available Monday through Friday from 7:30 a.m. to 6 p.m., excluding holidays.

For more information about the MiSDU, go to MiSDU.com.

How is child support paid to me?

It is important that families receive their child support payments as quickly as possible. Any delay can quickly and seriously threaten a family's budget. For this reason, states must disburse most payments within two days of their receipt. Every state has a State Disbursement Unit (SDU)—a single office to receive and send out payments for child support. In Michigan, the MiSDU is required by law to send child support payments electronically. For additional information about how child support collections are applied to each child support order and then distributed, check out the *Allocation and Distribution of Support Payments* (DHS-446) document at Michigan.gov/ChildSupport. Select "Resources," then select "For Child Support Policy, Forms and Publications" and look under "Forms."

What does electronic disbursement of child support mean?

Electronic disbursement of child support means that the custodial party receives payments either through direct deposit to a personal checking or savings bank account, or to a debit card. This is a specific debit card used for child support payments only. It comes from a bank that works with the MiSDU for this purpose. The custodial party can choose which option they want. Electronic payment provides custodial parties with a safe and easy method for receiving payments.

What is the debit card?

The debit card is issued by a bank. Each time child support payments are collected, the MiSDU electronically deposits them to the debit card. Debit cardholders cannot add additional funds to the debit card.

Are there any exceptions to receiving child support electronically?

Yes. The law allows some custodial parties to continue receiving support payments by check. Special exceptions are given to people for whom it would be too difficult to access electronic payments. This includes people with a mental or physical disability, or a language or literacy barrier.

In addition, people with both home and work addresses that are more than 30 miles from an automated teller machine (ATM) or their financial institution may receive support payments by check. If you think you meet any of these special exceptions, contact the MiSDU.

What happens when a parent doesn't pay child support?

The Friend of the Court is responsible for enforcing a support order. Below are some ways the Friend of the Court may enforce a child support order when a parent fails to pay.

Income withholding

Most child support orders require "immediate" income withholding for cash support. "Immediate" means that the child support payment is withheld as soon as the court order is entered and sent to the payer's source of income. The Friend of the Court office sends the income withholding notice (IWN) to the source of income. Sources of income for withholding include:

- Employers.
- Social Security.
- Unemployment compensation.
- Workers' compensation.

The source of income must send the payer's child support payment directly to the MiSDU. Michigan law permits a source of income to charge the payer a small fee for withholding.

The IWN may also require that support be withheld from any bonus, commissions, or severance pay issued by a source of income.

Tax refund intercept

The child support program may collect support from a payer's federal and/or state income tax refund. To be eligible to have their federal tax refund taken, the payer must owe at least \$150 in past-due support to the state or owe at least \$500 in past-due support to the family. The payer must owe at least \$150 (to the state or the family) to be eligible to have their state tax refund taken.

Intercepted federal tax refunds will apply first to any past-due child support owed to the state. This is because the family is currently receiving cash assistance or has received cash assistance in the past. If the family has never received cash assistance, or there is no past-due support owed to the state, then all collections from the federal tax refund offset will be applied to past-due support owed to the family. If all past-due support owed to the family is paid, excess amounts withheld from the non-custodial parent's federal tax refund will be returned to the non-custodial parent.

Intercepted state tax refunds will apply to all child support obligations as if the intercept were an extra payment directly from the payer. This means that, unlike intercepted federal tax refunds, current support will be paid first, then past-due support owed to the family, then any past-due support owed to the state. Any intercepted amount above the amount of past-due support will be refunded back to the non-custodial parent.

If the payer files a joint federal income tax return, the payer's spouse has the right to file an injured spouse claim with the Internal Revenue Service (IRS) for their portion of the refund. The payer's spouse may file a claim before or after the child support program receives the refund. Because the child support program may return all or a portion of the refund to the IRS for an injured spouse claim, the child support program must hold all intercepts received from joint federal tax returns for six months before disbursing them to the custodial party. The payer's spouse must file an injured spouse claim against a joint state tax return with Michigan's Department of Treasury within 30 days of filing the return. The Department of Treasury will prorate the intercept before sending it to the MiSDU. The child support program does **not** hold the intercept received from a state income tax refund before disbursement.

Consumer (credit bureau) reporting

The Friend of the Court must report to a consumer reporting agency (credit bureau) the past-due amount for each payer with two or more

months of unpaid support. Lenders will often obtain a person's credit report from a consumer reporting agency when deciding whether to approve a loan or other credit to the person. If the credit report shows a history of untimely support payments or a large past-due amount, the lender may deny the person a loan or other credit.

Civil contempt of court (show cause) hearing

If support is not paid on time, the Friend of the Court or a party to the court order may begin a civil contempt action (known as a "show cause" hearing) by filing papers requiring the payer to appear in court.

If the court finds the payer in civil contempt, the court may require a payment toward child support or send the person to jail. If it appears to the court that the payer may go to jail, the court must provide an attorney for a payer who cannot afford a private attorney.

If a payer does not appear for a "show cause" hearing, the judge may order a bench warrant for the payer's arrest so that they may be brought before the court. The judge may also order one or more of the following:

- Enforcement methods such as liens, passport denial, license suspension, or a vehicle boot.
- Participation in a parenting program, a work program, or counseling for drugs, alcohol, or other issues.
- Requirement to find employment.
- Compliance with a current support order, a parenting time order, or a payment plan for past-due support.

Liens

A lien is a claim against real or personal property that can be used to pay a debt. Liens restrict the property owner's ability to transfer property until the debt has been paid.

If a parent is more than two months behind in their child support payments, a lien can be placed on their property, including bank accounts and insurance settlements. That property can then be seized and used to pay the payer's past-due child support.

Passport denial

The U.S. State Department reviews passport applications to see if past-due child support is owed. Passport applications may be denied if non-custodial parents:

- Are at least \$2,500 past-due in their child support obligations.
- Are not making payments agreed upon in a payment plan.

License suspension

Driver's licenses, occupational licenses, and recreational/sporting licenses may be suspended for non-custodial parents who:

- Are at least two months behind in paying their child support obligations.
- Are not making payments agreed upon in a payment plan.
- Fail to appear for a show cause hearing.

An occupational license from a state, county, or municipal board or agency is required for some occupations, professions, or vocations (for example, electricians, realtors, barbers, plumbers). Recreational and sporting licenses include licenses for hunting, fur harvesting, or noncommercial fishing.

What happens to child support payments when a payer is in jail or prison?

State law requires child support payments to stop when a payer is in jail or prison for 180 consecutive days or more and does not have the ability to pay support.

How will I know when this happens?

You will get a notice with the date that child support will stop. You can object if you believe there is an error.

What happens when the payer is released from jail or prison?

Once the Friend of the Court learns that the payer is released, the child support order will be reviewed to determine the correct amount of child support.

What happens when one parent does not live in Michigan?

The most difficult cases to enforce are those in which the parents live in different states or countries. However, all states must provide child support services regardless of where the other parent lives. For example, when a custodial party lives in another state, Michigan collects child support from the non-custodial parent and sends the support to the other state. Federal

law requires states to work together to establish and enforce a child support order.

When the non-custodial parent lives in another country, Michigan may be able to still provide child support services. Agreements have been reached with several other countries to work together in child support matters.

You make a difference!

As you work with the child support program to establish a financial partnership in support of your child, remember that not all solutions to child support problems are within your control. The legal rights of all parties must be protected. Sometimes the laws that protect the rights of one parent may seem unfair to the other.

The more you know about Michigan's child support program, the better you will be able to exercise your rights and responsibilities under the law, and the more successful you will be in providing support to your child.

Need more information?

To learn more about the child support program in Michigan, call **866-540-0008** or go to the Michigan Child Support website at Michigan.gov/ChildSupport.

To apply for child support services, view information about your existing child support case, or create a support calculation, go to the MiChildSupport website at Michigan.gov/MiChildSupport.

To learn more about child support payments or to make a payment, go to the Michigan State Disbursement Unit (MiSDU) website at MiSDU.com.

You can get help and information in your language at no cost. To talk to an interpreter, call us at 866-540-0008. You can find Spanish and Arabic versions of this handbook at www.michigan.gov/childsupportpubs.

Puede obtener ayuda e información en su idioma sin costo alguno. Para hablar con un intérprete, llámenos al 866-540-0008. Puede encontrar versiones en español y árabe de este manual en <u>www.michigan.gov/childsupportpubs</u>.

يمكنك الحصول على المساعدة والمعلومات بلغتك دون أي تكلفة. للتحدث إلى مترجم ، اتصل بنا على 866-540-0008. يمكنك العثور على النسختين الإسبانية والعربية من هذا الكتيب على الرابط www.michigan.gov/childsupportpubs.



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Office of Child Support

The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.

DHS-Pub-748 (Rev. 9-24) Previous editions obsolete.