



STATE OF MICHIGAN

DEPARTMENT OF HUMAN SERVICES
LANSING

RICK SNYDER
GOVERNOR

MAURA D. CORRIGAN
DIRECTOR

IV-D MEMORANDUM 2012-026

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff
All Contractors Performing IV-D Work

FROM: Marilyn F. Stephen, Director
Office of Child Support

DATE: July 16, 2012

SUBJECT: Revocation of Paternity Act

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

OCS has received several inquiries regarding the services that will be provided and funded under Title IV-D as a result of the Revocation of Paternity Act (RPA) that took effect on June 12, 2012. The OCS Policy Section is currently reviewing the RPA and discussing its impact on IV-D services.

The RPA does not require OCS or other IV-D funded staff to provide parents with expanded services under Title IV-D of the Social Security Act (e.g., paternity disestablishment services). However, OCS's review of the RPA will involve weighing it against the federal IV-D laws and regulations. This review will take some time and will include discussions with the Program Leadership Group, legal counsel, and other subject matter experts.

Until final decisions are made, OCS provides the following instructions to IV-D staff.

DISCUSSION:

Application Requests

Since the passage of the RPA, IV-D staff have received *requests for applications* for IV-D services to disestablish paternity. Pursuant to Subsection 2.3 of Section 2.05 of the

UPDATE(S):

Manual

Form(s)

Michigan IV-D Child Support Manual, IV-D staff must provide an application to those who request one. In Michigan, the application for IV-D services is the *IV-D Child Support Services Application/Referral* (DHS-1201) or a comparable document designed by the FOC. IV-D staff must follow established policies in processing application requests.

Processing Received Applications

Since the passage of the RPA, IV-D staff have received *completed applications* for IV-D services to disestablish paternity. The IV-D agency is required to provide *available services* to any individual who files an application (45 Code of Federal Regulations [CFR] 302.33). However, OCS has not yet determined the definition of “available services” in the area of paternity disestablishment. Consequently, the processing of such applications will temporarily change.

When an application is submitted by a mother or other custodian (custodial party [CP]), an alleged father (AF), or a non-custodial (legal) parent (NCP), IV-D staff will review the application and any existing IV-D cases on the family to determine the services requested. If the applicant is requesting paternity revocation or establishment services under the RPA, IV-D staff will:

1. Do one of the following:
 - a. When there is *no* existing IV-D case with the same or different AF or NCP:
 - Create a new IV-D case;
 - Mark the individual who submitted the IV-D application as the IV-D applicant (on the *Case Member Details* [CASE] screen); and
 - Take steps necessary to postpone and suspend further IV-D action to establish or revoke paternity until OCS issues additional instructions.
 - Or**
 - b. When there *is* an existing IV-D case with the same or different AF or NCP:
 - Record the receipt of the application and all information about the AF/NCP on the existing IV-D case using system notes on the *Notes Processor* (NOTE) screen;
 - Communicate any new AF/NCP and other new information to the PA or FOC assigned to the existing case; and
 - Take steps necessary to postpone and suspend further IV-D action to establish or revoke paternity until OCS issues additional instructions.
2. Issue the attached RPA Letter (Ref: Exhibit 2012-026E1) to the applicant.

Some applicants may believe that filing a IV-D application constitutes a court filing as described in the RPA. Applicants may also have an expectation of quick action as may be necessary to protect the rights of a legal filer under the RPA. However, the application for IV-D services ensures neither of these, and the RPA Letter informs applicants of this.

Note: Section 2.05 of the *Michigan IV-D Child Support Manual* instructs OCS staff to use the *Application Status Letter* (DHS-1202) to inform the AF or NCP of the status of his/her DHS-1201. In response to the types of applications described above, all IV-D staff will instead mail the RPA Letter to applicants (CPs, AFs, or NCPs) when appropriate. The RPA Letter will be used temporarily until OCS further reviews the impact of the RPA on current processes.

As quickly as possible, OCS, in consultation with the Program Leadership Group, will determine the IV-D services and funding available as a result of the RPA. As decisions are made, OCS will issue further instructions.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Establishment Work Improvement Team
Program Leadership Group

CONTACT PERSON:

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CC:

None

SUPPORTING REFERENCES:

45 CFR 302.33

ATTACHMENT:

2012-026E1: RPA Letter

MFS/MCA/MBG