



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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GOVERNOR

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IV-D MEMORANDUM 2015-012

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

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

DATE: June 5, 2015

SUBJECT: Updates to the Cooperative Reimbursement Program (CRP)
Combined Agreement (COM)

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces updates to the procedures to enter into a CRP COM with the Michigan Department of Health and Human Services (MDHHS) OCS or terminate a CRP COM and enter into separate FOC and PA CRP agreements with MDHHS-OCS. (Throughout this memorandum, these procedures are referred to as the "CRP change process").

The CRP change process involves several entities: county FOCs, PAs, county boards of commissioners and chief circuit court judges, OCS Financial Management (OCS FM) staff, and the MDHHS Office of Contracts and Purchasing (MDHHS OCP). OCS is publishing this memorandum to facilitate communications between OCS and the county partners in order to timely and effectively execute CRP agreement changes. This memorandum presents the standard procedures to be used in the CRP change process. OCS will work with counties who may need an exception to the process or timing on an as-needed basis.

Legislation enacted in 2014 revised sections of the Michigan Compiled Law (MCL) which provide that a PA and MDHHS may enter into an agreement to transfer the PA's

UPDATE(S):

Manual

Form(s)

responsibilities for performing IV-D establishment functions.¹ The revisions to the MCL provide legislative authority permitting transfer of the IV-D establishment functions from a PA office to:

- The county FOC office;
- A private attorney contracted by the county;² or
- An attorney contracted by MDHHS-OCS.

DISCUSSION:

The county IV-D establishment functions may be transferred from the PA to another entity, or from the other entity back to the PA, if the PA and the other entity agree to such a transfer. County partners would then need to terminate the existing CRP agreement(s) and enter into a new CRP agreement(s) with MDHHS-OCS. Although the current CRP agreements contain a provision³ to terminate the agreement upon 30 days' written notice, as a practical matter, MDHHS-OCS cannot execute an agreement for the transfer of the PA establishment functions to any entity in that limited amount of time. Therefore, OCS is requesting the move from an existing CRP contract to a COM CRP contract to allow additional time to implement the necessary changes.

OCS FM prefers the timing of changes in the CRP agreements to coincide with the ending/beginning of a fiscal year (FY) due to the additional time needed to facilitate contract processing, budgeting, equipment transfers, financial data comparisons between FYs, etc. If, however, the county changes require different timing than as outlined in this memorandum, OCS FM asks the county partners to contact OCS FM as soon as possible to work out alternate timing.

A. Initiate a COM

County partners may seek to have the county FOC office instead of the PA perform IV-D establishment functions, and enter into a COM. In the past, a county's request to terminate the active FOC and PA CRP agreements and enter into a COM was executed on a case-by-case basis. As a result of the 2014 statute change and the number of actions needed for these transfers, and because transfers of functions involve CRP agreement changes (termination of existing CRP agreements and establishment of the new COM), as well as equipment changes and potential staff changes, the process is now documented for ease of reference in this

¹ For the purposes of this memorandum, all the IV-D child support functions normally performed solely by the PA under a separate PA CRP agreement will be referred to as "IV-D establishment functions."

² MCL 49.71, in place since 1941, permits an attorney employed or contracted by the county to perform the county's establishment functions in place of the PA. The private attorney is included in this list to be inclusive of all the entities to which the establishment functions may be transferred as identified in the 2014 statute.

³ Ref: "Section III. General Provisions, (A) Conclusion, Termination, and Cancellation Terms, (2) Cancellation of Agreement" of the CRP Agreement between MDHHS, the county board of commissioners, and the county PA.

memorandum. Under a COM, the FOC will perform IV-D establishment and IV-D child support enforcement functions.

The transfer of establishment functions requires the agreement of all CRP county signatories: the county-elected PA, the chief circuit court judge, and the chair of the county board of commissioners and MDHHS.⁴

This section details the process and timeframes for terminating separate CRP agreements and initiating a COM using the preferred FY year-end timing. If IV-D partners seek a change to the contract outside of the preferred timing discussed below, the PA, the chief circuit court judge, and OCS FM will work to establish an agreeable timeframe.

1. CRP COM Change Process

a. To initiate a COM, the chief circuit court judge and PA:

1) Will submit a *IV-D Cooperative Reimbursement Agreement Change Form Regarding Order Establishment Child Support Services* (CRP Change form).⁵ The chief circuit court judge and the PA will:

- a) Consult with the FOC, as appropriate;
- b) Complete the “Transfer Child Support Services From the PA to the FOC” section on the CRP Change form, indicating the agreement between the elected PA and the local chief circuit court judge to have the FOC assume the IV-D establishment functions and enter into a COM;
- c) Submit the CRP Change form to OCS FM at least six months (by March 31) prior to the end of a state FY/agreement year (September 30) to be effective as of the beginning of the subsequent FY/agreement year (October 1); and
- d) Together with the chair of the county board of commissioners, sign the CRP Change form.

2) May submit a joint Memorandum of Understanding (MOU).⁶

⁴ The MDHHS director’s signature or designee’s signature on any CRP agreement will serve as MDHHS’s agreement.

⁵ Ref: [Exhibit 2015-012E1](#) for a CRP Change form. PAs and the Friend of the Court may indicate their desire by marking the appropriate boxes on the form.

⁶ Ref: [Exhibit 2015-012E2](#) for an example of content that might be included in an MOU.

The PA and chief circuit court judge may enter into an MOU⁷ for the PA to perform some of the IV-D functions that FOC staff cannot perform under the COM.⁸ If such an arrangement is warranted, the MOU:

- a) Will identify the limited functions that the PA will assist the FOC in performing, such as felony non-support, and clearly explain why FOC staff are unable to perform these functions;
- b) Identify the handling of cases already initiated by the PA office but without an established order when the COM becomes effective. Such cases may remain with the PA until an order is established, or may be transferred to the FOC to complete the establishment process. If such cases remain with the PA, the MOU must include a timeline for the PA to complete establishment of orders for the retained cases. OCS will not compensate the PA to do any IV-D functions, including the establishment of orders for retained cases, once the COM is implemented. Therefore, compensation for cases remaining with the PA once the COM is implemented must be addressed in the MOU;
- c) May not indicate that PA staff will augment FOC staff in all or the majority of IV-D functions. Such an arrangement will not be considered an actual transfer of the establishment functions to the FOC, and the COM will not be executed;
- d) Will be submitted as directed by OCS FM to OCS FM as part of the application process for the COM; and
- e) Will be signed by the chief circuit court judge, the chair of the county board of commissioners, and the county-elected PA.

Note: OCS will have only one point of contact/ownership for a COM. An MOU will not change the agreement between MDHHS-OCS and the chief circuit court judge for the FOC to perform IV-D establishment functions. Additionally, an MOU will not relieve the chief circuit court judge and the FOC from the responsibilities under the COM to ensure all IV-D establishment functions are being completed in accordance with the COM.

Under a COM, the PA will not be able to submit bills to OCS FM for IV-D establishment functions. Any compensation arrangement for PA assistance with these functions must be identified in the MOU. Also, because of the COM, PA compensation must not include administrative or indirect costs.

⁷ OCS provides MOU information regarding a COM because OCS FM must be aware of any sub-contracts, sub-arrangements, or sub-agreements to have non-FOC staff perform IV-D functions for which the FOC is responsible.

⁸ This may be an option if the FOC does not have the appropriate staff to perform all of the IV-D functions. OCS expects that PA staff performing IV-D functions via the MOU will remain PA employees.

The CRP Change form, and accompanying optional MOU, will serve as the starting point for the execution of the COM and the termination of the separate FOC and PA agreements.

b. OCS FM staff will:

- 1) Within two months of receipt of a CRP Change form:
 - a) Review the form for timeliness and completeness, ensuring all required documents are received and that the necessary federal and state IV-D requirements are met;
 - b) If applicable, review the MOU for completeness to ensure any retained IV-D functions are appropriate and that any cost-sharing is properly documented and allowable and eligible for IV-D funding; and
 - c) Provide written agreement to the FOC, PA, the chair of the county board of commissioners, and the chief circuit court judge once the review is complete.⁹
- 2) Provide technical assistance to the county in the development of the COM; and
- 3) Within 30 days preceding a new FY (by August 31), submit the *MDHHS Agreement Termination Request for Human Services Contracts* (CM-0005) to the MDHHS OCP (DHS-OCP@michigan.gov). This will provide written notification to MDHHS to terminate the separate PA and FOC agreements effective at the end of the current FY/agreement year.

c. MDHHS OCP staff will:

- 1) Provide the COM through the OCP contracting process system (currently EGrAMS)¹⁰ to the responsible parties (the chief circuit court judge, the chair of the county board of commissioners, and the county PA) for signature; and
- 2) Obtain appropriate MDHHS signatures on the COM.

d. The chief circuit court judge, the Friend of the Court, or a designee will:

- 1) After submitting the CRP Change form and *before* OCS FM provides the written agreement, prepare a supporting budget. After OCS FM sends the written agreement, and no later than three months before the *end* of the current FY (by June 30), the Friend of the Court or a designee will, as directed by OCS FM, complete and submit a new COM application and budget in EGrAMS. The budget will be effective at the beginning of the new FY/agreement year, and will cover as appropriate either:

⁹ The CRP change process ensures OCS FM staff can properly facilitate the contract changes with MDHHS as needed.

¹⁰ EGrAMS is the Electronic Grants Administration & Management System.

- a) The remainder of the term of the current CRP agreement (if changing to a COM before the current separate agreements' timeframes expire); or
 - b) The full term of the new CRP agreement (if changing to a COM concurrently with the expiration of an existing CRP agreement timeframe).
- 2) Within two months before the *end* of the current FY (by July 31), as appropriate based on whether the FOC office is county-managed or state-managed:¹¹
- a) Contact OCS FM and the DTMB-MiCSES Help Desk to make arrangements for additional computer equipment or obtain the transfer of county-purchased (using IV-D funding) computer equipment from the PA; or
 - b) Follow the appropriate procedures to request new computer equipment.¹²
- 3) Within 30 days before the *end* of the current FY (by August 31):
- a) Ensure that the appropriate staff are hired (if needed) and trained to perform the IV-D establishment functions; and
 - b) Complete the *IV-D Program Request for Computer Access* (DHS-393) for computer access for new staff and/or the *IV-D Program Request for Changing Computer Access* (DHS-395) for existing staff who need a change in their computer access. Submit the completed form(s) according to the directions on each form.
- 4) As required by the OCS FM year-end closing calendar, submit all outstanding DHS-286¹³ bills for the terminated agreement through EGrAMS.
- e. Upon receipt of the OCS FM written agreement, the PA must take the additional actions below to fully execute the COM:
- 1) Within two months before the end of the current FY (by July 31), as appropriate based on whether the county is county-managed or state-managed,¹⁴ contact the DTMB-MiCSES Help Desk to make arrangements

¹¹ Ref: [IV-D Memorandum 2012-004, Michigan Child Support Enforcement System \(MiCSES\) Technical Support Guidelines, Personal Computer \(PC\) Allocation Guidelines, Data Processing \(DP\) Costs and Reimbursement Through the Cooperative Reimbursement Program \(CRP\), and IV-D-Funded Computer Equipment Requests.](#)

¹² If the PA office is retaining any IV-D functions, the FOC may request computers for PA staff use in the COM. Otherwise the COM does not cover computers for the PA.

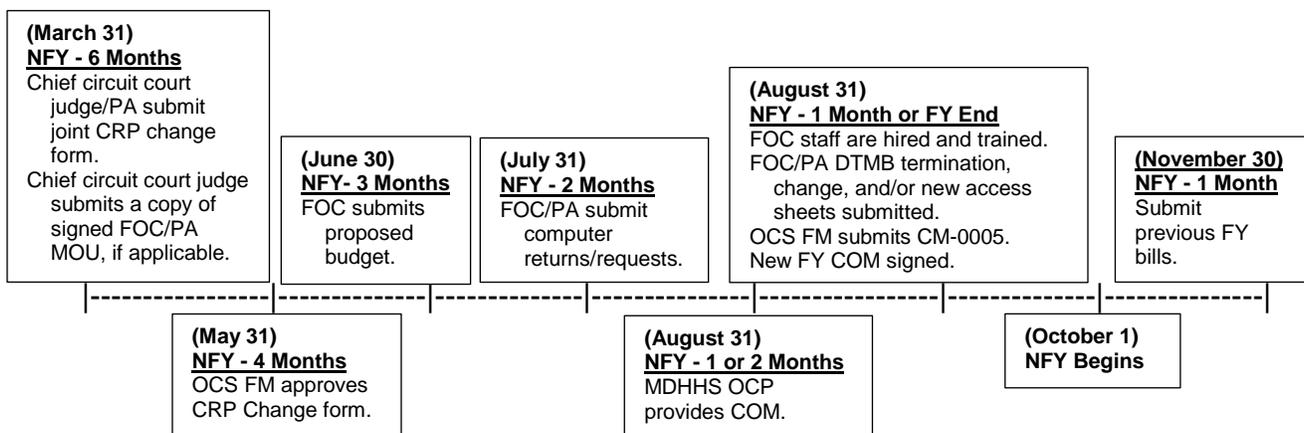
¹³ *Title IV-D Cooperative Reimbursement Expenditure Report*

¹⁴ Ref: IV-D Memorandum 2012-004.

- for the return of any state-owned computer equipment, or transfer county-purchased (using IV-D funding) computer equipment to the FOC;¹⁵
- 2) Within 30 days before the *end* of the current FY (by August 31), complete the *IV-D Program Request to Delete Computer Access* (DHS-392) to delete computer access for PA staff who no longer need access to one or more IV-D systems, and submit the completed form(s) according to the directions on the form;¹⁶ and
 - 3) As required by the OCS FM year-end closing calendar, submit all outstanding DHS-286 bills for the terminated agreement through EGrAMS.

2. Timeframes for the CRP Change Process

The following graphic provides a timeline for high-level tasks in the CRP change process to be completed based upon the end/beginning of a new FY timing. The timeline shows completion dates in the months before the FY begins. Refer to [Exhibit 2015-012E3](#) for a list of all major tasks and timeframes relative to a new FY (NFY).



Note: As noted earlier, if county entities seek to change the agreements outside of the preferred timing, please contact OCS FM as soon as possible.

B. Terminating a COM and Initiating Separate CRP Agreements

The county partners may choose to no longer have the FOC perform IV-D establishment functions and instead, have the FOC perform the IV-D enforcement functions and the PA perform the IV-D establishment functions. OCS FM assumes that the county partners would then seek to terminate the CRP COM and enter into separate FOC and PA CRP agreements with MDHHS-OCS. The process and

¹⁵ If the PA office is retaining any IV-D functions, the FOC may request computers for PA staff use in the COM. Otherwise the COM does not cover computers for the PA.

¹⁶ If the PA will retain some IV-D establishment functions as documented in the MOU (Ref: Section A(1)(a)(2) in this memorandum), then the PA will submit the DHS-392 only for those PA staff no longer providing IV-D establishment functions.

timeframes for terminating a COM and initiating separate agreements are detailed below.

1. Process for Terminating a COM and Initiating Separate Agreements

a. To terminate a COM and initiate separate agreements, the chief circuit court judge, the PA, and the chair of the county board of commissioners must submit a CRP Change form.¹⁷ The chief circuit court judge and the PA will:

- 1) Consult with the FOC, as appropriate;
- 2) Complete the “Reestablish Child Support Services Performed by the PA” section of the CRP Change form. This indicates agreement between the elected PA and the local chief circuit court judge to separate the IV-D establishment functions from the FOC and for the PA to assume these same functions;
- 3) Submit the CRP Change form to OCS FM at least six months (by March 31) prior to the end of a state FY/agreement year (September 30) to be effective as of the beginning of the subsequent FY/agreement year (October 1); and
- 4) Together with the chair of the county board of commissioners, sign the CRP Change form.

The CRP Change form will serve as the starting point for the execution of separate FOC and PA CRP agreements and the termination of the COM.

b. OCS FM staff will:

- 1) Review the CRP Change form for timeliness and completeness, ensuring all required documents are received and the necessary federal and state IV-D requirements are met;
- 2) Provide written agreement to the FOC, PA, the chair of the county board of commissioners, and the chief circuit court judge once the review is complete;
- 3) Provide technical assistance to the county in the development of the separate agreements; and
- 4) Within 30 days preceding a new FY (by August 31), submit the *MDHHS Agreement Termination Request for Human Services Contracts* (CM-0005) to MDHHS OCP (DHS-OCP@michigan.gov) to provide written notification to MDHHS to terminate the COM effective at the end of the current FY/agreement year.

¹⁷ As with the process for initiating a COM, the lead time for changing a CRP agreement is six months, and will be done to coincide with the end of a FY. If the PA or chief circuit court judge needs a CRP change of agreement outside of the preferred timing, county partners are asked to contact OCS FM as soon as possible to create an alternative timeline.

- c. MDHHS OCP staff will:
 - 1) Provide separate agreements through the OCP contracting process (currently EGrAMS) to the responsible parties (the county chief circuit court judge, the chair of the county board of commissioners, and the county PA) for signature; and
 - 2) Obtain appropriate MDHHS signatures on the separate agreements.

- d. The chief circuit court judge, the Friend of the Court, or a designee will:
 - 1) After submitting the CRP Change form and before receiving the separation written agreement from OCS FM, prepare a supporting budget. After OCS FM sends the written agreement, and no later than three months before the *end* of the current FY (by June 30), the chief circuit court judge, the Friend of the Court, or a designee will, as directed by OCS FM, complete and submit the new separate application and budget in EGrAMS. The budget will be effective at the beginning of the new FY/agreement year, and will cover as appropriate either:
 - a) The remainder of the term of the current CRP agreement (if changing from a COM before the current CRP agreement timeframes expire); or
 - b) The full term of the new CRP agreement (if changing from a COM with the expiration of an existing CRP agreement timeframe).
 - 2) Within two months before the *end* of the current FY (by July 31), as appropriate based on whether the county is county-managed or state-managed,¹⁸ contact the DTMB-MiCSES Help Desk to make arrangements for the return of any state-owned computer equipment, or transfer county-purchased (using IV-D funding) computer equipment to the PA;
 - 3) Within 30 days before the *end* of the current FY (by August 31), complete the DHS-392 to delete computer access or the DHS-395 to change computer access for FOC staff as needed, and submit the form(s) according to the directions on each form; and
 - 4) As required by the OCS FM year-end closing calendar, submit all outstanding DHS-286 bills for the terminated agreement through EGrAMS.

- e. The PA will:
 - 1) After submitting the CRP Change form and before OCS FM sends the written agreement, prepare a supporting budget. After receipt of the written agreement, and no later than three months before the *end* of the current FY (by June 30), the PA or a designee must, as directed by OCS FM, complete and submit the new separate application and budget in EGrAMS. The budget will be effective at the beginning of the new FY/agreement year, and will cover as appropriate either:

¹⁸ Ref: IV-D Memorandum 2012-004.

- a) The remainder of the term of the current CRP agreement (if changing from a COM before the current CRP agreement timeframes expire); or
 - b) The full term of the new CRP agreement (if changing from a COM with the expiration of an existing CRP agreement timeframe).
- 2) Within two months before the *end* of the current FY (by July 31), as appropriate based on whether the PA office is county-managed or state-managed:¹⁹
- a) Contact OCS FM and the DTMB-MiCSES Help Desk to make arrangements for additional computer equipment or obtain the transfer of county-purchased (using IV-D funding) computer equipment from the FOC; or
 - b) Follow the appropriate procedures to request new computer equipment.
- 3) Within 30 days before the *end* of the current FY (by August 31):
- a) Ensure that the appropriate staff are hired and trained to perform the IV-D establishment functions; and
 - b) Complete the DHS-393 for computer access for new staff and/or the DHS-395 for existing staff as appropriate. Submit the completed forms according to the directions on each form.
- 4) As required by the OCS FM year-end closing calendar, submit all outstanding DHS-286 bills for the terminated agreement through EGrAMS.

2. Timeframes for the CRP Change Form

The timeframes and activities required by the chief circuit court judge, the PA, OCS FM and the MDHHS-OCP mirror timeframes identified under Section A(2) in this memorandum. Refer to [Exhibit 2015-012E4](#) for a list of all major tasks and timeframes relative to a new FY. As noted earlier, if a change of agreements is needed outside of the preferred timing, county partners are asked to contact OCS FM as soon as possible to make alternative arrangements.

C. County Contract With a Private Attorney to Perform PA IV-D Child Support Functions

At this time, MDHHS-OCS is not developing a process for the transfer of IV-D establishment functions to a private attorney contracted by the county. When OCS FM has developed this process, OCS will announce it in an email notification.²⁰

¹⁹ Ref: IV-D Memorandum 2012-004.

²⁰ OCS FM anticipates this process will be developed and published in time for FY 2016 implementation.

D. MDHHS-OCS Contract With a Private Attorney to Perform PA IV-D Child Support Functions

At this time, OCS is not opting to ask MDHHS to contract with a private attorney or the Michigan Attorney General's office to perform all or part of the IV-D establishment functions. If this decision changes, OCS will announce it through a IV-D Memorandum.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Catherine Vought, Crawford County Friend of the Court

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None

SUPPORTING REFERENCES:

Federal

None

State

Michigan Compiled Law (MCL) 552.454

MCL 49.71

MCL 552.1308

MCL 552.1312

MCL 722.1437

MCL 722.3

MCL 772.714

MCL 780.160a

MCL 780.162b

MCL 780.163

MCL 780.163a

MCL 780.183

Public Acts 367-372 of 2014

ATTACHMENTS:

2015-012E1: CRP Change form

2015-012E2: Example of Memorandum of Understanding Content

2015-012E3: Initiating a Combined Agreement (COM): Tasks and Timeframes

2015-012E4: Separating a Combined Agreement (COM): Tasks and Timeframes

EPF/JEM