



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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IV-D MEMORANDUM 2016-003

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 26, 2016

SUBJECT: Actions for Meeting Federal Requirements in the IV-D
Application Process and Clarifications of Policy Regarding IV-D
Services in Domestic Relations Cases

UPDATE(S):

Manual

Form(s)

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum discusses actions for meeting federal requirements in the IV-D application process, including changes to the IV-D application process for customers who are parties on privately filed domestic relations cases.¹ It also announces revisions and clarifications to policy regarding IV-D services in domestic relations cases.

This memorandum introduces the *Application for IV-D Child Support Services (For Privately Filed Domestic Relations Cases Only)* (DHS-1201D). This is a new form that parties on a privately filed domestic relations case may use to apply for IV-D services. The DHS-1201D will simplify the IV-D application process for parties on domestic relations cases and improve the efficiency of application processing for IV-D staff.

This memorandum introduces:

- Exhibit 2016-003E1, Questions and Answers Regarding IV-D Services for Domestic Relations Cases. This exhibit is the former Exhibit 2015-001E1. Although the title of this exhibit remains the same from its previous publication,

¹ Domestic relations cases include divorce filings, custody filings, and/or support filings.

the content has been revised with minor clarifications, and the exhibit is being republished as Exhibit 2016-003E1. Changes to content since its previous publication are indicated by a change bar in the right margin; and

- Exhibit 2016-003E2, Additional Questions and Answers Regarding IV-D Services for Domestic Relations Cases. This exhibit provides more information about delivering IV-D services in domestic relations cases.

Since the publication of IV-D Memorandum 2015-001, *IV-D Services in Domestic Relations Cases*, OCS has received questions and concerns on much of its contents. Therefore, this IV-D Memorandum and its attached exhibits serve as a follow-up to provide further information.

DISCUSSION:

A. Overview: The Domestic Relations Workgroup

After the publication of IV-D Memorandum 2015-001, the Program Leadership Group (PLG) chartered a temporary Domestic Relations Workgroup (“Workgroup”). The Workgroup members included Friends of the Court, State Court Administrative Office (SCAO) representatives, a Prosecuting Attorney, support specialists, and OCS Program Development Division staff.

1. Primary Focus of the Workgroup

The Workgroup was tasked with solving issues associated with IV-D services in domestic relations cases. Resolving these issues is part of Michigan’s Establishment corrective action plan.² The Workgroup’s primary focus was on prioritizing, resolving, or addressing the desire to:

- a. Receive IV-D applications timely in the domestic relations process. This may help ensure that the FOC will be properly reimbursed for services traditionally completed in IV-D cases and that the family will receive the benefits from IV-D services as soon as possible;
- b. Ensure that the IV-D application process is as streamlined and easy as possible for parties who complete other paperwork related to their domestic relations case (e.g., Verified Statement, Judgment Information Form, etc.);
- c. Await a court order entry or service of process before IV-D case opening; and
- d. Close the IV-D case upon termination of a domestic relations filing without a child support order.

² OCS developed the Establishment corrective action plan to address issues found in its Self-Assessment audit. For more information, reference [IV-D Memorandum 2015-021, Self-Assessment \(SASS\) Audit – Establishment of Paternity and Support Order \(Establishment\) Program Compliance Criteria Corrective Action Plan \(CAP\)](#).

2. Additional Tasks

In addition, the Workgroup was tasked with determining:

- a. Whether the “DHS” logo/identifier should appear on the *IV-D Child Support Services Application/Referral* (DHS-1201) and whether to make other changes to the DHS-1201 suggested by the Case Management Work Improvement Team (CM-WIT) and the FOC User Group;
- b. Whether the booklet *Understanding Child Support: A Handbook for Parents* (DHS-Pub 748)³ can be or should be combined with the *Friend of the Court Handbook* to use with domestic relations filings; and
- c. Actions to take (and who will take those actions) when an application for IV-D services has been received, and either the domestic relations case takes an extended amount of time or the family still wants IV-D services and their court case filing has been dismissed.

The Workgroup considered working on other tasks such as business process designs, service of process (SOP) issues, domestic violence issues, and Michigan Child Support Enforcement System (MiCSES) enhancements. However, upon reflection and further analysis of performance factors identified for the Establishment corrective action plan, the Workgroup determined that focusing on tasks related to properly opening a IV-D case within the federally required 20 days was most important. This led the Workgroup to look for improvements in the IV-D application process to better meet federal regulations.

As a result, the group:

- Developed the DHS-1201D, a new IV-D application to use in domestic relations cases;
- Reviewed and approved OCS policy for domestic relations cases;
- Worked with SCAO to propose changes to multiple forms; and
- Made recommendations for the inclusion of language from the DHS-Pub 748 into the *Friend of the Court Handbook* for a future publication.

The Workgroup also determined that it is best for local FOC office staff and their leadership to develop their own business processes, rather than follow processes created by the Workgroup. Therefore, the Workgroup encourages FOCs to examine their business processes for opening IV-D cases to ensure that they meet IV-D federal requirements and OCS IV-D policy. The Workgroup also encourages FOCs to consult with SCAO staff and FOC colleagues in other offices to make improvements to their practices.

³ The DHS-Pub 748 provides IV-D applicants with information about the child support program.

Additionally, OCS consulted with the Workgroup in answering FOC User Group and CM-WIT questions in response to IV-D Memorandum 2015-001. The Workgroup assisted OCS in the revision and creation of questions and answers regarding domestic relations cases. This information, which is found in Exhibits 2016-003E1 and 2016-003E2, is explained in Sections E and F of this memorandum.

B. Meeting Federal Requirements in the IV-D Application Process

When providing and processing IV-D applications, there are multiple federal regulations and sections of the Social Security Act that the IV-D program must consider. There is also the federal requirement to provide information regarding IV-D services to all applicants. OCS and the Workgroup agreed that the most effective way to meet the federal regulations and requirements is to gather specific information and provide specific notices at the time of the IV-D application.

As part of the Establishment corrective action plan, OCS and the Workgroup reviewed current IV-D application forms, policies, and processes. The *IV-D Child Support Services Application/Referral* (paper DHS-1201 or online DHS-1201 [e1201])⁴ and the DHS-Pub 748 are Michigan-developed tools that meet the federal requirements.

FOC offices have also been using the [Verified Statement and Application for IV-D Services \(FOC 23\)](#)⁵ or another comparable document developed by FOC offices as an application for IV-D services. However, through the development of the Establishment corrective action plan, OCS determined that the FOC 23 and other comparable FOC documents do not ensure the Michigan IV-D program meets applicable IV-D federal requirements.⁶ OCS identified the following issues of federal non-compliance:

1. FOC 23
 - a. The FOC 23 is a court document that is required⁷ at the time of a domestic relations filing. Unlike a IV-D application, completion of the FOC 23 is not voluntary;⁸ and
 - b. OCS believes that in its present form, the FOC 23 is primarily a court document used by FOC offices to obtain information about the parties to a court case. It may not adequately inform the parties of its dual nature as an application for IV-D services.
2. Comparable FOC Document Used As a IV-D Application

⁴ Ref: [Section 2.05, "Referrals and Applications," of the Michigan IV-D Child Support Manual](#) for information on the DHS-1201 and e1201.

⁵ This document is referred to as the Verified Statement throughout related policy.

⁶ Ref: Subsection C(1) of this IV-D Memorandum for more information.

⁷ Michigan Court Rule (MCR) 3.206(B)

⁸ 45 Code of Federal Regulations (CFR) 302.33 states that IV-D services are voluntary.

- a. FOC offices use different versions of IV-D applications – there is not one standard form; and
- b. OCS is unable to monitor all the various IV-D applications used by FOC offices to ensure each county’s application includes all the data elements of the DHS-1201, which fulfills all the federal and state regulations.⁹

In light of these issues, the Workgroup identified three IV-D application methods. Instead of using the FOC 23 or a comparable document, FOC staff may use the DHS-1201, e1201, or the newly developed DHS-1201D, which is discussed below. SCAO is considering changes to the FOC 23 and other forms to take into account the existence of the DHS-1201D.

Note: IV-D offices are **not** required to obtain new IV-D applications on current IV-D cases opened with an FOC 23 or a comparable FOC document.

C. DHS-1201D

As a result of requests from FOCs, and in an effort to streamline the IV-D application process for domestic relations cases, OCS and the Workgroup have developed the DHS-1201D. FOC offices will use the DHS-1201D in conjunction with the FOC 23 or with the [Domestic Relations Judgment Information Form \(FOC 100\)](#).

The DHS-1201D is not designed to be a stand-alone application. The DHS-1201D does not ask for information that has already been entered on the FOC 23, FOC 100, or other similar court forms. The DHS-1201D will prevent duplicate information and simplify the process for both applicants and FOC staff.

If the DHS-1201D in combination with another data-collection form does not suit the local office’s business practice, the DHS-1201 or e1201 can be used. The DHS-1201 and e1201 are designed to work in a variety of situations, including domestic relations filings.

The DHS-1201D is the best IV-D application to use in privately filed domestic relations cases; OCS encourages IV-D staff to use either of the above combinations of forms that include a DHS-1201D. The DHS-1201D may also be used at any time as long as relevant information needed for opening the case in MiCSES has been collected on an FOC 23, an FOC 100, or other similar form.

The Workgroup identified several opportunities for obtaining IV-D applications:

- 1) At the time a court case is filed;
- 2) At a reconciliation conference or other meeting;
- 3) After successful service of process;

⁹ Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for more information on federal and state regulations for providing and processing IV-D applications.

- 4) At the time a child support order is entered; or
- 5) Any other time an FOC determines to be best.

Local FOC office staff and their leadership are in the best position to determine the approach that meets their office's business practice.

The DHS-1201D includes a statement in which the applicant acknowledges that (s)he received or had an opportunity to review a copy of the DHS-Pub 748. It also includes a link to the DHS-Pub 748. This permits the applicant to access an electronic copy and prevents the need for IV-D staff to regularly provide a hard copy of the DHS-Pub 748. Federal regulations do not require a hard copy to be provided. However, if the applicant requests a hard copy, IV-D staff will provide it.

FOC offices will offer the DHS-1201, e1201, or DHS-1201D to non-public assistance applicants who previously opted out¹⁰ of FOC services (and consequently IV-D services) but wish to begin receiving IV-D services again.¹¹

Note: Unlike the DHS-1201, the DHS-1201D does not have an option to select locate-only services.¹² It is believed that in privately filed domestic relations cases, the applicant is unlikely to desire locate-only services. However, if an applicant expresses an interest in such services, (s)he must note this in writing on the DHS-1201D. FOC staff must honor the request and provide those services.

1. Data Elements on the DHS-1201D Not Found on the FOC 23

Collection of certain data is needed either because federal or state requirements identify the data specifically or because Michigan's program must collect or display the data to meet auditing requirements. The DHS-1201D includes the following data elements not found on the FOC 23:

- a. Fields to indicate the date the application was requested (*App Req DT*) and the date the application was returned (*App Retd DT*), which are necessary fields to complete in MiCSES when opening a IV-D case on the *Case Member Details* (CASE) screen;¹³

¹⁰ Ref: [SCAO Administrative Memorandum 2004-016, *Opting Out of Friend of the Court Services*](#), for more information.

¹¹ SCAO is reviewing the [Request to Reopen Friend of the Court Case \(FOC 104\)](#) and is considering changes to the form based on the need for a IV-D application for cases opting back in to the FOC for IV-D services.

¹² Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for more information on locate-only services.

¹³ Properly entering these dates in MiCSES is critical to meeting the federal requirement to open the IV-D case within 20 days. Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for more information on IV-D application requirements.

- b. A family violence¹⁴ disclosure section regarding possible physical or emotional harm to the applicant or child(ren) as a result of supplying an address or other identifying information on the application;¹⁵
- c. An acknowledgement statement allowing the IV-D program permission to withhold a percentage from future child support payments and to allow the Michigan State Disbursement Unit (MiSDU) to correct processing errors in the event the customer is issued money in error or overpaid;¹⁶
- d. An acknowledgement statement regarding the services the customer is requesting under Title IV-D of the Social Security Act;¹⁷
- e. An acknowledgement statement that the customer has access to a copy of the DHS-Pub 748;¹⁸
- f. The Michigan Department of Health and Human Services (MDHHS) non-discrimination statement;
- g. An instruction to applicants that they must provide their Social Security number in order to receive IV-D services; and
- h. Legal authority information indicating that IV-D services are voluntary.¹⁹

2. FOC Staff Suggestions Incorporated Into the DHS-1201D

OCS received many suggestions from FOC staff regarding changes to the DHS-1201 that would better meet their business needs. The Workgroup considered each of these suggestions and incorporated them into the DHS-1201D where possible. The DHS-1201D is shorter than the DHS-1201 and is geared toward the unique needs of a domestic relations case. OCS has made the following changes to the form:

- a. The terms “custodial parent/caretaker” and “parent who is not in the home” have been changed to “Mother” and “Father;”²⁰
- b. The MDHHS logo has been removed from the top of the form;²¹
- c. Information and questions regarding public assistance have been removed;
- d. Marital status information has been removed because it is contained in court filings; and
- e. Information about the children has been removed because it is contained in court filings.

¹⁴ IV-D staff must conduct further research if an applicant discloses family violence on a IV-D application. Ref: [Action Transmittal \(AT\) 2009-017, REVISED: Family Violence Indicator \(FVI\) Enhancement](#) for more information on family violence.

¹⁵ Section 454(26)(c) of the Social Security Act

¹⁶ 45 CFR 303.2(a)(2)

¹⁷ 45 CFR 303.2(a)(2)

¹⁸ 45 CFR 303.2(a)(2); Ref: Section G(4) of this memorandum for further discussion of the DHS-Pub 748.

¹⁹ 45 CFR 302.33

²⁰ Guardianship and third-party applicants must use a DHS-1201 or e1201.

²¹ Applicants will use the DHS-1201D to request the assistance of a federally funded human services program that is administered by MDHHS through Michigan’s IV-D State Plan. However, there was a concern that the MDHHS logo would inappropriately imply to applicants that they are requesting public assistance.

3. Other Suggestions Incorporated Into the DHS-1201D

Other changes incorporated in the DHS-1201D will make the form easier to follow and will assist IV-D staff with correctly entering the case in MiCSES:

- a. Instructions have been added to the top of the form to educate the applicant on the proper use of the form;
- b. A domestic relations docket number field has been added to help IV-D staff ensure the IV-D application is for the correct domestic relations court case;
- c. A question regarding residency of the children has been added to assist IV-D staff in determining which parent should be entered into MiCSES as the custodial party (CP).²² The field indicates that this information is for administrative purposes only and will not be considered as part of a custody hearing; and
- d. Instructions telling applicants to return the completed application to the local FOC office rather than to OCS have been added.

Note: DHS-1201D suggestions discussed in Sections C(2) and C(3) above will be considered during future revisions to the DHS-1201.

The DHS-1201D is currently being developed as a MiCSES-generated form. OCS will send a notification to IV-D staff when this development is complete. Until the DHS-1201D is available in MiCSES, it may be found on mi-support.

D. Transition Period Away From Using the FOC 23 or Comparable Documents As a IV-D Application

OCS asks that FOC offices begin transitioning away from using the FOC 23 or other comparable FOC documents as a IV-D application. FOC staff may use the newly developed DHS-1201D, the DHS-1201, or e1201 as a IV-D application.

SCAO is in the process of removing the checkbox for IV-D services from the FOC 23. It is expected that the revised FOC 23 will be completed sometime in early to mid-2016. The FOC 23 will still be considered a valid IV-D application during the transition phase, which will end with the introduction of the revised FOC 23.

The purpose of the transition period is to allow FOC offices the opportunity to develop a business process to accommodate the DHS-1201D and the impending change to the FOC 23. FOC offices may interpret the FOC 23 to no longer be a valid application. FOC offices are not required to have a transition period, and may immediately implement this change by no longer accepting the current version of the FOC 23 as a IV-D application.

²² Using information supplied by the applicant on the DHS-1201D, IV-D staff will determine who they believe will be the CP so they can administratively build the case in MiCSES. MiCSES does not have the functionality for a role switch on a IV-D case. If the CP changes roles with the originally identified non-custodial parent, a new IV-D case must be opened.

The Workgroup suggested that during the transition period, FOC offices may interpret the receipt of an FOC 23 (with the IV-D services checkbox selected) as a request for a IV-D application. If so, FOC staff must provide a IV-D application within five days of the receipt of the request.²³

FOC office leadership may inform potential applicants of the local approach to IV-D applications through their website or other communication channels as they deem appropriate.

E. Updates to Content in Exhibit 2016-003E1

Exhibit 2016-003E1, which was previously published as an attachment to IV-D Memorandum 2015-001, contains questions and answers regarding the delivery of IV-D services in domestic relations cases. Six minor clarifications have been made to Exhibit 2016-003E1 since its last publication:

- Questions 1, 2, 4, 9 and 17 have been clarified to indicate that IV-D staff may refer applicants to an electronic copy of the DHS-Pub 748 online. They are not required to provide a paper copy;
- In question 8, the sentence “Nevertheless, OCS and SCAO may request further direction from OCSE on this topic” was removed. The Workgroup decided not to pursue a request to OCSE related to a customer having the ability to request a delay in the 20-day case opening rule;
- In question 12, “accruing support order” was replaced with “support order” because zero support orders are not excluded from consideration. Additionally, language was added to further clarify and add more context around obtaining a child support order;
- In question 13, “until the domestic relations case is final” has been replaced with “until the child support order is entered” to include the possible entry of temporary child support orders;
- In question 15, a citation to 45 CFR 303.2(b) regarding IV-D application processing requirements has been added; and
- In questions 17 and 18, the words “in writing” have been removed since IV-D applicants’ requests for IV-D case closure are not required to be in writing.

F. Additional Questions and Answers Regarding Domestic Relations Cases (Exhibit 2016-003E2)

OCS received new questions and other comments from IV-D staff (primarily FOC staff) upon publication of IV-D Memorandum 2015-001. OCS also received many suggestions on how to improve the delivery of IV-D services in domestic relations cases, specifically related to the DHS-1201 and the DHS-Pub 748. To address these issues, OCS drafted Exhibit 2016-003E2. The Workgroup reviewed and approved this exhibit prior to publication.

²³ Subsection 3.1.2(A) of Section 2.05 of the *Michigan IV-D Child Support Manual* for federal timeframes for providing applications.

G. Future Policy Updates

1. Updates to Section 2.05, "Referrals and Applications"

OCS published this memorandum and its attachments in an effort to quickly get this important policy information out to IV-D staff. In the future, OCS will update Section 2.05 with this information and will include the elimination of the use of a comparable FOC document as a IV-D application.

2. Updates to the FOC 23 and the FOC 104

SCAO is in the process of removing the checkbox for IV-D services from the SCAO-owned forms FOC 23 and FOC 104. OCS is working with SCAO to have the DHS-1201D IV-D application print on the back of these forms.

3. IV-D Case Closure Language on the *Notice of Intent to Dismiss for No Progress* (MC 26), the *Voluntary Dismissal* (MC 09), and other SCAO forms

Several staff asked about the preference to close a IV-D case when a domestic relations case is dismissed as described in question and answer 18 of Exhibit 2016-003E1. The answer remains accurate. A dismissed domestic relations case is not a federally approved reason for IV-D case closure, and the IV-D applicant may still want IV-D services. However, it is possible that the applicant no longer wants IV-D services.

Consequently, OCS is working with SCAO to add IV-D case closure language to the SCAO-owned forms MC 26 and MC 09. The forms will explain that the IV-D case will close along with the domestic relations case in 60 days, unless the applicant contacts OCS to request that IV-D services continue. If IV-D staff do not receive a response, they will manually close the case using the "WQ – Non-Public Assistance Applicant Requests Closure" reason code. If IV-D staff receive a response, they will continue IV-D services (e.g., attempt to obtain a support order on behalf of the family).

OCS will provide further direction when it is notified by SCAO that the MC 26, MC 09, and any other forms have been updated with this language.

4. *Understanding Child Support: A Handbook for Parents* (DHS-Pub 748)

a. Addition of a DHS-Pub 748 Reference to the *Friend of the Court Handbook*

In response to suggestions from FOC staff, SCAO intends to add a reference to the DHS-Pub 748 in the *Friend of the Court Handbook*. This addition will meet the requirement for FOCs to provide access to the DHS-Pub 748 at the time of or before a request for a IV-D application.

OCS will send a notification to IV-D staff when the DHS-Pub 748 language is added to the *Friend of the Court Handbook*.

Until SCAO publishes the new *Friend of the Court Handbook*, IV-D staff must continue to offer access to the DHS-Pub 748 to applicants at the time of or before the request for a IV-D application. This is largely accomplished through use of the DHS-1201D, which includes a link to the DHS-Pub 748. As stated earlier in this memorandum, this will permit the applicant to access an electronic copy and will prevent the need for IV-D staff to regularly provide a hard copy of the DHS-Pub 748.

b. Family Violence Information Added to DHS-Pub 748

Information on family violence will be added to a future publication of the DHS-Pub 748.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice. OCS recommends that IV-D staff read the attached Exhibits 2016-003E1 and 2016-003E2 in their entirety. OCS also recommends that FOCs use the DHS-1201D as the primary application for IV-D services in domestic relations cases.

With the publication of this policy, the following are obsolete:

- IV-D Memorandum 2015-001;
- Exhibit 2015-001E1;
- Michigan Data Reliability Best Practice 2006-002, *FOC Setting Up a IV-D Case on MiCSES before Entering a DM Court Order*;
- The *IV-D Child Support Services Application/Referral* (F1201), which is generated by FOC staff. (It was last updated in June 2015 with IV-D Memorandum 2015-015); and
- The *IV-D Child Support Services Application/Referral with Pamphlet* (F1201P).

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SUPPORTING REFERENCES:

Federal

45 CFR 303.2(a)(2)

45 CFR 303.2(b)

45 CFR 302.33

Section 454(26)(c) of the Social Security Act

State

MCR 3.206(B)

ATTACHMENTS:

2016-003E1: Questions and Answers Regarding IV-D Services for Domestic Relations Cases

2016-003E2: Additional Questions and Answers Regarding IV-D Services for Domestic Relations Cases

DHS-1201D: *Application for IV-D Child Support Services (For Privately Filed Domestic Relations Cases Only)*

EPF/CMF