

**Additional Questions and Answers Regarding IV-D Services  
for Domestic Relations Cases**

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**Introduction**

This exhibit should be read in its entirety and in conjunction with the following Office of Child Support (OCS) policies:

- [IV-D Memorandum 2015-021, Self-Assessment \(SASS\) Audit – Establishment of Paternity and Support Order \(Establishment\) Program Compliance Criteria Corrective Action Plan \(CAP\);](#)
- [IV-D Memorandum 2016-003, Actions for Meeting Federal Requirements in the IV-D Application Process and Clarifications of Policy Regarding IV-D Services in Domestic Relations Cases;](#) and
- [Exhibit 2016-003E1, Questions and Answers Regarding IV-D Services for Domestic Relations Cases.](#)

OCS encourages IV-D staff to read each of these policies to ensure that they have a full understanding of the complex domestic relations issues presented. This exhibit further clarifies Exhibit 2016-003E1 (which was originally published as Exhibit 2015-001E1 in January 2015). It also clarifies for IV-D staff the federal requirements regarding IV-D applications, opening a IV-D case, and order establishment timeframes.

**IV-D Applications**

- 1. Is there a shorter version of the *IV-D Child Support Services Application/Referral (DHS-1201)* that can be used in domestic relations cases?**

Yes. As a result of the comments received from Friend of the Court (FOC) staff about the DHS-1201, OCS and the Domestic Relations Workgroup developed a modified DHS-1201 called the *Application for IV-D Child Support Services (For*

*Privately Filed Domestic Relations Cases Only*) (DHS-1201D) to be used in combination with another data-collection form.<sup>1</sup>

**2. The Case Management Work Improvement Team (CM-WIT) asked OCS to consider a shorter application form to be used when an applicant reapplies for IV-D services after case closure. Has OCS considered this?**

Yes. OCS and the Domestic Relations Workgroup developed the DHS-1201D, which can also be used for case reopening for domestic relations cases only. When a IV-D case has closed and the applicant wants to reapply for IV-D services, the applicant must use either the DHS-1201D, the DHS-1201, or the online DHS-1201 application (e1201).<sup>2</sup>

**3. Does a public assistance worker ask the customer to complete a DHS-1201 when (s)he applies for public assistance?**

No. A public assistance applicant must complete the DHS-1171 (*Assistance Application*) or MiBridges application to apply for assistance. The DHS-1171 contains some basic child support-related questions. Federal regulations do not require a IV-D application in this situation. The Michigan Child Support Enforcement System (MiCSES) interfaces with the state assistance system (Bridges), and Bridges automatically sends appropriate referrals for assistance applicants to MiCSES.

**4. Do only Prosecuting Attorney (PA) and FOC staff provide IV-D applications to customers since they obtain the court orders?**

No. All IV-D staff are required to provide a IV-D application for IV-D services upon request,<sup>3</sup> regardless of whether the request was in person or over the phone. IV-D staff may also recommend that an applicant apply online using the e1201.

**5. What if an applicant completes only part of the DHS-1201 and signs the form?**

There are certain data elements required to open a IV-D case. Refer to *Michigan IV-D Child Support Manual* Section 2.05, Subsection 3.4, "Responding to Applications for IV-D Services," for actions to take when a IV-D application is incomplete. This involves sending the *Application Status Letter* (DHS-1202) to the applicant.

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<sup>1</sup> Ref: IV-D Memorandum 2016-003 for further instructions on the proper use of the new DHS-1201D.

<sup>2</sup> Ref: [Section 2.05, "Referrals and Applications," of the Michigan IV-D Child Support Manual](#) for more information.

<sup>3</sup> Ref: Section 2.05 for more information on this requirement.

**6. The DHS-1201 includes a disclosure of public assistance. If the applicant is on public assistance, wouldn't the IV-D case go through the support specialist to begin with?**

Yes, if the applicant is a public assistance recipient, Bridges will send a referral to MiCSES, alerting the support specialist. Refer to *Michigan IV-D Child Support Manual* Section 2.05, Subsection 4.1, "Referrals From Michigan's Assistance Programs," for more information on public assistance referrals. However, the question about the receipt of assistance appears on the DHS-1201 to ensure the IV-D program fully understands the family's situation. Also, this question is relevant if the family receives assistance in another state. Applicants in other states can apply for IV-D services directly in Michigan.

Nevertheless, the Domestic Relations Workgroup decided to remove the public assistance disclosure on the DHS-1201D.<sup>4</sup>

**7. What policy (Social Security Act Section 454, Office of Child Support Enforcement [OCSE] or other) states that the DHS-1201 must be used? How about the booklet *Understanding Child Support: A Handbook for Parents* (DHS-Pub 748)?**

OCS policy in Section 2.05 of the *Michigan IV-D Child Support Manual* states that the DHS-1201 and the DHS-Pub 748 must be used. There are multiple federal regulations and sections of the Social Security Act that must be considered when providing and processing IV-D applications. Although these and other federal directives may not require specific information on the application itself, OCS and the Domestic Relations Workgroup have agreed that the most efficient and effective method for meeting many of these requirements is gathering specific information on – and providing specific notices at the time of – the application. The most notable requirements follow:

- 45 Code of Federal Regulations (CFR) 303.2 describes the provisions and processing of IV-D applications;
- 45 CFR 303.2 in summary states: "a IV-D application is a written document provided by the State, which indicates that the individual is applying for child support services under the State's title IV-D program and is signed by the individual applying." This section also includes the requirement that information on the IV-D program must accompany all applications;
- Dear Colleague Letter (DCL)-00-38, *Notice Requirement for Mandatory Collections of Social Security Numbers*, describes the IV-D program's requirement to notify the applicant that a Social Security number must be provided; and
- Section 454(26)(c) of the Social Security Act includes a requirement for

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<sup>4</sup> Public assistance information is available to IV-D staff through MiCSES and on the State Court Administrative Office's (SCAO's) Verified Statement.

the IV-D program to protect victims of family violence. Michigan's vehicle to meet this requirement is the family violence disclaimer on the IV-D application.

The DHS-1201 and the DHS-Pub 748 (and the DHS-1201D in conjunction with another data-collection form) meet all of these requirements.

The DHS-Pub 748 includes information about available IV-D services, the individual's rights and responsibilities, and support distribution policies. Providing the DHS-Pub 748 in paper copy or online at the time of application fulfills the requirement to inform applicants about the IV-D program. 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.

**8. What form are FOC offices supposed to use for a IV-D application for privately filed domestic relations cases?**

The DHS-1201D is designed specifically for domestic relations cases. However, FOCs may also use the DHS-1201 or e1201 as a IV-D application for these cases. FOC staff must also provide access to the DHS-Pub 748 (in paper copy or online) at the time of the request for application. As stated in Exhibit 2016-003E1, question 2: "The current approach, as OCS understands it, is that the *Verified Statement and Application for IV-D Services* (FOC 23)<sup>5</sup> does not include the required notices and disclaimers, including a provision to provide the DHS-Pub 748." Therefore, OCS asks that all FOC offices begin transitioning away from using the Verified Statement or comparable documents as a IV-D application in all cases.

**9. Will IV-D applications submitted on the Verified Statement prior to the issuance of IV-D Memorandum 2015-001 be accepted, or will IV-D staff need to obtain new IV-D applications?**

IV-D applications submitted on a Verified Statement prior to the issuance of IV-D Memorandums 2015-001 or 2016-003 will be accepted. OCS is not requiring FOC offices to request new IV-D applications on existing cases.

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<sup>5</sup> The FOC 23 is referred to as the Verified Statement throughout this document.

**10. If there is a non-IV-D case in MiCSES with a child support order, and the custodial party (CP) requests IV-D services in writing on something other than an OCS-approved IV-D application (DHS-1201, DHS-1201D, or e-1201), can the non-IV-D case become a IV-D case?**

Yes, in rare situations. For example, if the CP requests IV-D services on personal stationery and time is of the essence, IV-D staff may switch a non-IV-D case in MiCSES to a IV-D case without an OCS-approved application. This might occur when an enforcement action is time-sensitive, and the case must have IV-D status for the enforcement action to occur. However, IV-D staff also must send the CP an OCS-approved IV-D application (which includes a reference to the DHS-Pub 748) to complete – otherwise, the FOC office will face a potential audit finding for the case. Again, this should only occur in rare situations, and must not be a normal business practice for an FOC office.

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

**11. As a IV-D worker in an FOC office, I must provide the *Friend of the Court Handbook* as a paper copy.<sup>6</sup> Do I also have to provide the DHS-Pub 748 as a paper copy?**

No, providing the DHS-Pub 748 to the customer as a paper copy is not required. The customer must be notified of its availability in paper copy or online. The DHS-Pub 748 is available at [www.michigan.gov/ChildSupport](http://www.michigan.gov/ChildSupport) in the [Popular Forms](#) section.

The Domestic Relations Workgroup included on the DHS-1201D an acknowledgement from the applicant 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 online. This prevents the need for IV-D staff to regularly provide a paper copy of the DHS-Pub 748.

**12. The *Friend of the Court Handbook* and the DHS-Pub 748 can be overwhelming. Would OCS and SCAO be willing to amend and combine their handbooks?**

Yes. As a result of this suggestion, the Domestic Relations Workgroup is working to add DHS-Pub 748 language to the *Friend of the Court Handbook*. This change will fulfill the IV-D federal requirement to provide IV-D program information to applicants.

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<sup>6</sup> Michigan Compiled Law (MCL) 552.505(1)(c)

**13. Can the DHS-1201 or DHS-1201D also be part of the *Friend of the Court Handbook/DHS-Pub 748*?**

OCS and SCAO may consider combining either the DHS-1201 or DHS-1201D with the *Friend of the Court Handbook/DHS-Pub 748* specifically for use with domestic relations cases in a future update. In the meantime, IV-D staff will continue to provide the DHS-1201 or DHS-1201D and access to the DHS-Pub 748.

**14. Who provides the DHS-Pub 748 to applicants?**

IV-D staff provide the DHS-Pub 748 to customers along with the application for IV-D services. The DHS-Pub 748 and IV-D application do not have to be in paper form; they can also be delivered electronically through email, or online as part of the e1201 application process.<sup>7</sup> IV-D staff may direct applicants to the DHS-Pub 748 online.

**15. Who supplies the paper copies of the DHS-Pub 748 to the FOC?**

As stated in Exhibit 2016-003E1, FOC offices can order the DHS-Pub 748 by completing the *Office of Child Support Publication Order List* (DHS-1454). FOC staff and the general public use the DHS-1454 to order OCS publications free of charge. According to IV-D policy, all IV-D staff must ensure the DHS-Pub 748 is available to applicants.

**16. Could OCS print DHS-Pub 748s and send them to parties upon opening new IV-D cases?**

No. OCS cannot print DHS-Pub 748s and send them to parties upon opening new IV-D cases because the DHS-Pub 748 must be available **at the time of a request** for a IV-D application.<sup>8</sup> This allows applicants to learn about IV-D services and determine if and when they would like to start receiving IV-D services.

**17. Does OCS inform the parties that there is no cost to sign up for IV-D services?**

The current DHS-Pub 748 does not include language indicating that there are no costs associated with IV-D services. This information will be added to the DHS-Pub 748 the next time OCS updates it. This information is not included in any Domestic Relations Workgroup efforts to add DHS-Pub 748 language to the *Friend of the Court Handbook*.

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<sup>7</sup> Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for more information.

<sup>8</sup> Ref: Section 2.05 for more information on this requirement.

**18. Can the DHS-Pub 748 and IV-D application be issued with service of process?**

Yes, if it meets the business needs of the FOC office and the wishes of the customer. The customer may request IV-D services at any point in a domestic relations case, at which time IV-D staff must provide the customer an application for IV-D services and access to the DHS-Pub 748 (either in paper copy or online).

The FOC can determine the best time in the domestic relations process to provide the IV-D application and access to the DHS-Pub 748. As stated in Exhibit 2016-003E1: "Although FOC offices do not initiate the establishment of child and medical support orders, an applicant of IV-D services is entitled to establishment action. Therefore, marketing IV-D services at the time of the domestic relations filing may not be appropriate if there are no IV-D services to provide the customer at that time."

**19. If an FOC office gives the DHS-Pub 748 to an applicant, documents it on the *Notes Processor (NOTE)* screen in MiCSES, and the applicant completes the Verified Statement, would this satisfy federal IV-D application requirements?**

No. The current version of the Verified Statement does not ensure Michigan meets federal IV-D application requirements. Refer to question 7 in this document for information on meeting federal IV-D requirements. The DHS-1201D can be used as directed in IV-D Memorandum 2016-003 to assist FOCs in meeting federal IV-D application requirements.

**Providing IV-D Services for Applicants Who Have Filed a Domestic Relations Case**

**20. What are IV-D services? When the Domestic Relations Workgroup discusses this topic, can they please keep in mind the list of IV-D services so IV-D staff can address them specifically?**

The DHS-Pub 748 lists the following IV-D services:

- Locating parents;
- Establishing paternity;
- Establishing court orders for child support, medical support and child care expenses;
- Adjusting court orders when appropriate;
- Enforcing court orders for child support, medical support and child care 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; and
- Collecting and processing child support payments.

The Domestic Relations Workgroup regularly referenced the list of IV-D services during its deliberations.

### **Non-IV-D Cases**

**21. In a combined FOC/PA office, how is time recorded for establishment work done on a case that is not a IV-D case until after the order is entered?**

Any work on a case before it becomes a IV-D case must be recorded on a *Personnel Activity Report* as non-IV-D. Refer to [IV-D Memorandum 2012-012, Time Documentation](#), for more information.

**22. If the customer does not complete a IV-D application in a domestic relations case, then the case would be a non-IV-D case. Do non-IV-D cases have limited enforcement opportunities?**

Yes, non-IV-D cases have limited enforcement opportunities. However, if a customer does not wish to apply for IV-D services, (s)he is not required to do so because IV-D services are voluntary for non-public assistance applicants. The DHS-Pub 748's purpose is to educate customers on IV-D services so they can decide if and when IV-D services are right for them. IV-D services can be offered or requested at any time.

If a customer has no IV-D application on file, local offices may wish to contact him/her to offer a IV-D application and access to the DHS-Pub 748 (either in paper copy or online) so as to not limit enforcement activities.

**23. Do parties have a choice about applying for IV-D services when the court orders something with regard to the statutory responsibilities of the FOC?**

Yes. Parties do have a choice whether or not to apply for IV-D services in this situation. They can comply with court orders without having IV-D services.

### **Dismissal of the Domestic Relations Court Case and IV-D Case Closure**

**24. Would OCS consider allowing the IV-D case to close along with the docket when a domestic relations matter is dismissed, and/or the parties reconcile?**

**Per direction from some courts, the FOC cannot continue with IV-D cases that have been dismissed by the court for any reason. Also, one of the Michigan Child Support Program's Strategic Plan goals is to "promote healthy relationships between parents and children." Pursuing support after cases have been dismissed (for any reason) does not promote healthy family relationships.**

**Some FOC staff feel that dismissing court proceedings is an indication that the parents do not want FOC/court services, and if the child support program tries to force services upon parents, it will not meet the Strategic Plan goal for providing good customer service. A customer's lack of response to a court activity means that (s)he does not want service. Once a case is dismissed for lack of progress, all actions stop. The only exception is if there are state-owed arrears, and in the domestic relations cases addressed in IV-D Memorandum 2015-001, there will not be state arrears because there isn't a support order.**

OCS agrees that parents cannot be required to receive IV-D services that they clearly do not need or want. However, when a IV-D application is received, IV-D staff must proceed with the request until they hear with certainty that the parent no longer wants IV-D services. A judge can dismiss a court filing (the domestic relations case) but cannot dismiss or close a IV-D case.

FOC staff cannot close a IV-D case under the assumption that if the applicant no longer wants a divorce, (s)he no longer wants child support services; these are not the same thing. Some domestic relations court filings may be dismissed for lack of progress (e.g., lack of service) rather than family reunification. If the family is not reunified, the parent still caring for the child is likely still in need of financial and medical support services. The IV-D program provides those services.

If the applicant fails to cooperate with the child support program or assist with the IV-D case, which may be likely given the situation, then staff may begin steps to close the case pursuant to IV-D policy.

There are several ways to close the IV-D case if the family is not currently receiving public assistance, depending on various circumstances as stated in the [Michigan IV-D Child Support Manual Section 3.50, "Case Closure"](#):

- 1) A non-assistance applicant may request IV-D case closure either verbally or in writing. IV-D staff will use reason code "WQ – Non-Public Assistance Applicant Requests Closure," to close the case when the CP requests closure. No 60-day notice is sent for this reason code.

- 2) If the non-assistance applicant has not responded to written requests about his/her desire to continue IV-D services, IV-D staff must send the applicant a letter. The letter will state that IV-D staff have reason to believe the applicant no longer wants IV-D child support services as a result of the domestic relations dismissal. It must also include a statement that the IV-D case closure process will begin if there is no response in 14 days.

The written request must be sent via first-class mail to the applicant's last-known address. If the applicant does not respond after 14 days, the IV-D case may be considered for closure. OCS has determined that in a domestic

relations case scenario, 14 days is sufficient and appropriate for a response from the applicant about his/her desire to continue IV-D services.

After 14 days, FOC staff may close the case using the “WT – Non-Public Assistance Applicant Cannot Be Contacted” manual case closure reason code. Use of this code will send a 60-day closure notice to the parties, which will allow the parties the option to continue IV-D services.

3) The parties reconcile, are uncooperative, and not currently receiving public assistance. If the parties on the case indicate they want IV-D services, but they don't show up for meetings and/or continually fail to communicate with IV-D staff when an action by the parties is essential for the next IV-D step, then IV-D staff may close the IV-D case. They will use the “N9 – CP Uncooperative in Non-Public Assistance Case” manual case closure reason code. Use of this code will send a 60-day closure notice to the parties, which will allow the parties the option to continue IV-D services.

If the family on a dismissed court docket is on public assistance, FOC staff can determine whether or not the family has reunified by using the *Case Composition by Case Number* (QN-015) Business Objects report. If that report confirms that the family is on public assistance and the family members are all identified as assistance household participants, including the non-custodial parent, then FOC staff may close the case if paternity is established for the child. FOC staff may use the “MZ – Case Merged/Opened in Error” reason code to close the case in this circumstance.

For more details on how to use these case closure codes, refer to Section 3.50 of the *Michigan IV-D Child Support Manual*.

SCAO, in cooperation with OCS, is exploring the addition of language to the SCAO form *Notice of Intent to Dismiss for No Progress* (MC 26) and other appropriate forms to indicate that the IV-D case will be closed unless IV-D staff hear otherwise from the applicant. OCS will provide more details if/when that process is successful.

FOC staff may want to ensure that attorneys and litigants are aware that an open IV-D case could result in additional IV-D action. Once they are aware, the attorneys and litigants can take steps to close the IV-D case at the same time they dismiss the domestic relations case, if desired.

## **Providing IV-D Services for Married Applicants**

### **25. If a IV-D application is received and the parties live together, what IV-D services can be provided when the FOC does not need to do locate and establishment functions?**

If a IV-D application has been received, full IV-D services must be provided. Reference question 20 in this document for a list of IV-D services. An applicant may choose to apply for IV-D services in situations where the parents live together in the same house. There is no requirement that parents must live separately to receive IV-D services. However, a court action for child support cannot be filed under the Family Support Act<sup>9</sup> or under the Summary Support Act<sup>10</sup> if the parties reside together with their child(ren).

IV-D staff will take the same IV-D actions regardless of whether the parents live together in the same house. Additionally, to receive IV-D services, parents do not have to file a domestic relations case. IV-D staff may contact parents to ask them what services they are seeking. If they do not want any IV-D services, they may wish to close their IV-D case.

FOCs do not have new responsibilities for these types of situations, and it may be appropriate to send the IV-D application to the OCS support specialists for action on the IV-D case.

## **Opt Out of FOC Services**

### **26. Can a person request IV-D services and still opt out of FOC services?**

No. If a party has applied for IV-D services, (s)he cannot opt out of FOC services. For new domestic relations cases, [SCAO Administrative Memorandum 2004-16, \*Opting Out of Friend of the Court Services\*](#), section A(2) states: “When the parties have filed a motion and Form FOC 101,<sup>11</sup> the court must order the FOC not to open a case file unless it determines that... one of the parties applied for Title IV-D Services.” (There are several other reasons, but this is the one that pertains to this question.)

However, if parties have mistakenly applied for IV-D services, they would simply need to request closure of the IV-D case. It needs to be clear to IV-D applicants that their IV-D case will close at the time they opt out their domestic relations case from FOC services. SCAO plans to revise the FOC 101 to make it clear to applicants that if they opt out of FOC services, their IV-D case will close, and their

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<sup>9</sup> MCL 552.451

<sup>10</sup> MCL 722.1499

<sup>11</sup> The FOC 101 is titled [Advice of Rights Regarding Use of Friend of the Court Services](#). By signing this form, parties agree to opt out of FOC services.

IV-D services will be rescinded.

If customers request to opt out of FOC services at a later time during the duration of a case, they must be informed that their IV-D case will close as well. Therefore, court forms related to opting out of FOC services may need to be updated with language that indicates the IV-D case will also close.

## **Supporting Documentation and Reference Material**

### Supporting Documentation

United States Code (USC) 552a of the Privacy Act

45 CFR 302.30

45 CFR 303.2

45 CFR 302.30

45 CFR 302.33(a)(5)

45 CFR 302.35(c)(3)

45 CFR 303.102(d)

45 CFR 303.31(c)

45 CFR 303.72

Section 454(6)(A) of the Social Security Act

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

Section 466(a)(13) of the Social Security Act

MCL 552.451

MCL 552.505(1)(c)

MCL 722.1499

### Reference Material

*Michigan IV-D Child Support Manual:*

Section 2.05, "Referrals and Applications"

Section 2.20, "Court Action Referrals (CARs)"

Section 3.50, "Case Closure"