



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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GOVERNOR

ELIZABETH HERTEL
DIRECTOR

IV-D MEMORANDUM 2023-014

TO: All IV-D Staff*
FROM: Erin P. Frisch, Director
Office of Child Support
DATE: September 1, 2023
SUBJECT: Revisions to the *Ability-to-Pay Worksheets*
ACTION DUE: None

UPDATE(S):
 Manual
 Form(s)

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces changes to the *Ability-to-Pay Worksheets* in the Michigan Child Support Enforcement System (MiCSES):

- *Ability-to-Pay Worksheet – Payer Information from Payee* (FEN14X);¹
- *Ability-to-Pay Worksheet – Payer Information* (FEN14Y); and
- *Ability-to-Pay Worksheet – Payer Information (Populated)* (FEN14Z).²

OCS and its IV-D partners have revised the language on all three worksheets to remove the adversarial tone and describe what will be done with the information that case participants provide on the worksheets.

These changes will be implemented in MiCSES with the Child Support 23.3 Release on September 8, 2023.

¹ [IV-D Memorandum 2021-015, Civil Contempt – Data Collection and Prioritization Tools for “Ability to Pay” Screening and Other IV-D Purposes](#), incorrectly referred to the FEN14X as the *Ability to Pay Worksheet – Payee*.

² IV-D Memorandum 2021-015 incorrectly omitted the word “Information” from the titles of the FEN14Y and FEN14Z.

DISCUSSION:

The Michigan Child Support Program implemented the *Ability-to-Pay Worksheets* to help IV-D staff collect, record and screen information from case participants about the support payer's ability to pay. The worksheets state that the information gathered may be provided to the court. They also explain that the court will consider the support payer's ability to pay as a critical question in a civil contempt action. OCS intended this language to align with federal regulations about civil contempt³ and to increase the recipients' willingness to provide information for civil contempt screening.

However, IV-D partners later realized this language could offend the recipient because it:

- Assumes that the payer is not paying support; and
- Implies a court contempt hearing is imminent.

This could cause stress for the recipient and result in the recipient not completing the worksheet. Therefore, IV-D partners suggested language that is less adversarial but retains the information that recipients need to know about ability to pay and civil contempt.

Revisions to the *Ability-to-Pay Worksheet – Payer Information from Payee (FEN14X)*

The original language on the FEN14X stated:

We are asking you (the payee) for information about the payer on your case to help us collect your child support. If a court hearing is set, any information you provide in this form or at the court hearing can help the court make decisions. Information you provide in this form may be shared with the court and the other party on your case.

OCS and its IV-D partners revised this language to state:

We are asking you for information about [Payer Name]. The questions on this form are important to help the court understand [Payer Name]'s ability to pay support. Any information you provide may be shared with the court and [Payer Name].

The revised language includes the support payer's name to clarify who the payee is being asked to provide information about.

³ Ref: 45 Code of Federal Regulations (CFR) 303.6

Revisions to the *Ability-to-Pay Worksheet – Payer Information (FEN14Y)* and *Ability-to-Pay Worksheet – Payer Information (Populated) (FEN14Z)*

The original language on the FEN14Y and FEN14Z stated:

You are receiving this form because you have not been paying your child support. If you owe child support and do not pay it when you are supposed to, the court may hold a hearing to decide if you are in contempt of court for not following your court order.

To help the court decide if you are in contempt of court, the court will first need to find out why you are not paying your support. The questions on this form are important to help the court understand your ability to pay support. Any information you provide may be shared with the court and the other party on your case.

OCS and its IV-D partners revised this language to state:

The questions on this form are important to help the court understand your ability to pay support. Any information you provide may be shared with the court and the other party on your case.

If you are not paying support as directed by your court order, the court may hold a hearing to decide if you have the ability to pay support as ordered.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Program Leadership Group

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CC:

None

SUPPORTING REFERENCES:

Federal
45 CFR 303.6

State
None

ATTACHMENTS:

FEN14X: *Ability-to-Pay Worksheet – Payer Information from Payee*

FEN14Y: *Ability-to-Pay Worksheet – Payer Information*

FEN14Z: *Ability-to-Pay Worksheet – Payer Information (Populated)*

EPF/CPT

* Ref: the [Michigan IV-D Child Support Manual Introduction and Table of Contents](#) for a definition of IV-D staff.