

Michigan IV-D Child Support Manual
Michigan Department of Health and Human Services

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1. Overview

The Social Security Act (the “Act”) requires that the Title IV-E agency take steps to secure an assignment to the state of any rights to support on behalf of each child receiving federal foster care maintenance payments.¹ These steps include referring foster care cases to the Title IV-D agency to establish paternity and to establish, modify and enforce child support obligations for the children.²

2. Processing Court Action Referrals (CARs)³ for Agency Placement Cases⁴

Support specialists (SSs) will send a CAR to either the Prosecuting Attorney (PA) or to the Friend of Court (FOC) based on the case conditions and the identification of an existing court order.

The court with jurisdiction over the court case is the circuit court for the county where the court order placing the child with MDHHS was entered (the removal court

¹ Ref: 42 United States Code (USC) 671.

² IV-D services must be completed within the timeframes set by federal regulations. Ref: 45 Code of Federal Regulations (CFR) 303.2 – 303.5, and [Section 2.05, “Referrals and Applications,” of the Michigan IV-D Child Support Manual.](#)

³ Ref: [Section 2.20, “Court Action Referrals \(CARs\),” of the Michigan IV-D Child Support Manual](#) for more information on CARs.

⁴ Foster care cases in which a child is placed with the Michigan Department of Health and Human Services (MDHHS) are referred to as “agency placement” cases in the Michigan Child Support Enforcement System (MiCSES).

order).⁵ This jurisdiction remains intact even if MDHHS places the child in a different county or state.

2.1 Referral to the PA

If paternity has not been established or there is no existing court order for one or both parents, the SS will send a Family Support (DS court case type) referral to the PA in the county that has jurisdiction.

There may be situations in which two referrals must be sent to the PA to establish support for both parents to pay MDHHS. In this situation, the SS must send a CAR to the PA to establish support for the parent(s) who was not previously ordered to pay child support.

PA staff will review the IV-D case information to:

- Determine the location⁶ of the child's parents as needed. If the non-custodial parent(s) is not available to provide information to the PA, the child welfare worker will provide any additional information (s)he may have available.⁷ This includes information for the general testimony in intergovernmental cases;
- Establish paternity⁸ as appropriate;
- File an agency complaint when the child is in agency placement;⁹ and
- Establish a support order for the former payee to become a payer of child support to the foster care agency, or complete service of process necessary to start the proceedings to establish a support order.¹⁰

2.2 Referral to the FOC

There may also be a situation in which one of the parents has already had child support ordered, and the FOC can assign or redirect existing support obligations.¹¹ In this situation, the SS must send an Other Type (OT) referral to the FOC in the county with the existing child support order and request that the FOC take action to assign or redirect the support.

⁵ Ref: [State Court Administrative Office \(SCAO\) Administrative Memorandum \(ADM\) 2008-01, Ordering Child Support in Child Protective Proceedings](#), for more information.

⁶ Ref: [Locate](#) documentation on mi-support for more information about locating parents.

⁷ This includes information needed for completion of the general testimony in intergovernmental cases.

⁸ It is the responsibility of the assigned child welfare worker to take a child under MDHHS care to any and all appointments. The contact information for the worker is found in MiCSES on the SACWIS Case Information (SCWS) screen.

⁹ Ref: [Action Transmittal \(AT\) 2003-006, Agency Complaint Signatures](#), for information on agency complaints. The Office of Child Support (OCS) will update policy on agency complaints in a future publication.

¹⁰ Ref: 45 CFR 303.4(d) and [Section 4.15, "Service of Process \(SOP\)," of the Michigan IV-D Child Support Manual](#).

¹¹ Ref: [Section 5.85, "Agency Placement – Financial," of the Michigan IV-D Child Support Manual](#) for details on the assignment and redirection of support.

Example:

The SS receives a referral from the Michigan Statewide Automated Child Welfare Information System (MiSACWIS) for the minor child Mark. The SS identifies an existing child support order in MiCSES for the father to pay the mother \$100 per month for Mark.

The SS sends a DS referral to the PA in the county that has jurisdiction over the removal order to establish a child support order for the mother to pay the state.

The SS sends an OT referral to the FOC in the county with the existing child support order. The SS requests that the FOC take action to ensure the applicable support obligations and arrears are assigned or redirected on the agency placement case.

MiCSES will generate an AGP_ON¹² alert to notify the PA and FOC offices to the existence of the referral(s) in their functional area.

2.3 Transferring Agency Placement Cases

IV-D staff may transfer cases to other IV-D offices based on local established business practices while continuing to adhere to the federal timeframes for case processing.¹³

2.3.1 FOC Transfer of Cases

If FOC workers receive a referral for the parent who was the former payee on an existing child support order, they may transfer the case to the PA office in the county with legal jurisdiction over the removal order. FOC staff will transfer the IV-D case using the *Case Reassignment* (CRAS)¹⁴ screen in MiCSES.

2.3.2 PA Transfer of Cases

In some cases, MDHHS may ask the court to transfer jurisdiction. When this occurs, the child welfare worker will transmit the changes through the MiCSES/MiSACWIS interface. Once MiCSES is notified of the change in jurisdiction, the PA must transfer the IV-D case to the appropriate PA office using the MiCSES CRAS screen.

¹² Ref: [Section 3.85, "Agency Placement – Case Management," of the Michigan IV-D Child Support Manual](#) for more information about notifications for agency placement cases.

¹³ Ref: Sections 2.05, 2.20 and 4.15 of the *Michigan IV-D Child Support Manual*.

¹⁴ Ref: the [MiCSES Quick Reference Guide CRAS: Transfer a Case](#) for information on how to transfer a case.

3. Filing a IV-D Agency Placement Case With the Circuit Court

When processing an agency placement case where the child is in MDHHS care, the PA must pursue a child support action by filing an agency complaint¹⁵ to establish support with the circuit court.

3.1 Benefits of Filing a IV-D Agency Placement Case

- Establishment of an order provides for the ongoing support of the child after (s)he leaves MDHHS care and custody;
- Child support orders are enforceable by the FOC, using a full array of remedies provided by federal and state law;
- Current child support obligations remain in effect until a child is adopted or until further order of the court; however, arrears are still enforceable;¹⁶
- Activities to establish and enforce support orders are funded under Title IV-D;¹⁷ and
- Locate services and establishment of paternity expedite permanency for children in agency placement.

3.2 Identification of Plaintiff on Legal Documents

The custodial party (CP) name AGENCY PLACED FOSTER CARE is used in MiCSES to identify cases created as a result of MiSACWIS referrals when a circuit court places a child under the care and custody of MDHHS.¹⁸

Since the child is under the care and custody of MDHHS, MDHHS (rather than an individual county or person) is considered the CP and the plaintiff on the agency placement IV-D case. If the county of the agency placement case changes, the CP's member ID and name (AGENCY PLACED FOSTER CARE) on the IV-D case in MiCSES must not change.

IV-D staff may change the plaintiff's name that appears on legal documents from AGENCY PLACED FOSTER CARE to MDHHS in MiCSES. To do this, IV-D staff will update the CP's legal name by entering "MDHHS" (or "Michigan Department of Health and Human Services") in the *Caption Name* field in the *Legal Case Role Information* section on the *Legal Case* (LCSE) screen.¹⁹ When

¹⁵ Ref: AT 2003-006 for information on agency complaints. OCS will update policy on agency complaints in a future publication.

¹⁶ Support obligations may be discontinued because of the death of the child, or when the obligations are paid in full.

¹⁷ The county receives 66 percent reimbursement for IV-D activities performed on IV-D cases versus the retention of 25 percent of the collected amount for a reimbursement order.

¹⁸ Ref: [Section 2.85, "Agency Placement – Case Initiation," of the Michigan IV-D Child Support Manual](#) for information on CPs on agency placement IV-D cases.

¹⁹ Ref: [MiCSES Quick Reference Guide: LCSE – View and Update Legal Case Information](#) for directions on updating a IV-D case member's legal name.

a case is filed as an agency complaint, the PA should note it on the LCSE screen by checking the *Agency Complaint* checkbox.

4. Child Support Orders vs. Reimbursement Orders

A child support order is not the same as a reimbursement order. IV-D staff must not enter a child support order into MiCSES with the county treasurer or the court identified as the CP. Additionally, IV-D staff must not direct a child support collection to the county treasurer on behalf of the court. If OCS determines that a child support case was entered into MiCSES incorrectly, the local IV-D office will be directed to close the case.

For federal reporting purposes, OCS may determine that a child support collection retained by the court must be considered program income for the local IV-D program.

The Juvenile Code requires that an order placing a child outside of his/her own home and under MDHHS or court supervision must include provisions for reimbursement. The court collects money from a parent to reimburse the state or county for board and care, court expenses, attorney fees, etc.

A reimbursement order is not a IV-D child support order, and a IV-D case must not be opened in MiCSES for a reimbursement order. Reimbursement orders are not IV-D child support orders for the following reasons:

- The court uses the money to pay for other services provided by the court. It is not limited to reimbursement for the cost of the child's placement;
- The Juvenile Code and the Social Welfare Act allow the court to retain 25 percent of the collections for administrative costs. This is considered a fee under Title IV-D; therefore, it has to be reported as such to OCS and the federal government (the federal Office of Child Support Enforcement [OCSE]) and deducted from any IV-D reimbursement received by the county;
- When calculating the child support amount, the Juvenile Code does not require the use of the Michigan Child Support Formula (MCSF). Federal IV-D regulations require the use of the MCSF; and
- The Michigan State Disbursement Unit does not collect the money. While payments through child support orders can reimburse county, state or federal foster care programs, no reimbursement orders may be charged through the IV-D program. The Juvenile Code mandates that the court collect the money.

SUPPORTING REFERENCES:

Federal
Section 471(a)(17) of the Social Security Act
42 USC 654(4)(A); 654A(f); 654(29)
42 USC 671
42 USC 671(a)(17)
42 USC 672(a)

42 USC 675(4)
45 CFR 302.31
45 CFR 233.90(b)(4)(1)
45 CFR 235.70(b)(2)
45 CFR 302.52(b)(3)
45 CFR 303.2(a)(2) and (b)
45 CFR 303.3
45 CFR 303.4
45 CFR 303.4(d)
45 CFR 303.30
45 CFR 303.5
45 CFR 1355.20(a)
45 CFR 307.10(b)(1)(2)(10)(13) and (14)
Title IV-E, Section 471(a)(17) of the Social Security Act

State

MCL 552.23(2)
MCL 552.454
MCL 552.605
MCL 552.605d
MCL 552.605d(3)
MCL 400.115b
MCL 552.451b
MCL 400.10
MCL 400.73a
MCL 400.74
MCL 400.117b
MCL 712A.2
MCL 712A.18
MCL 712A.18(2)-(6) (Juvenile Code)
MCL 722.714(4) and (10)
MCL 803.305
Michigan Court Rule (MCR) 3.211(D)
MCR 3.211(D)
MCR 3.973(F)(5)
Michigan Administrative Rules (MAC) R
400.2001-400.2049 Child Care Fund

Administration for Children, Youth and Families
(ACYF), Children's Bureau Information
Memorandum (IM) 99-02

ACYF IM-07-06

OCSE Action Transmittal 99-09

OCSE IM 99-01

OCSE Policy Interpretation Question (PIQ) 07-03

SCAO ADM 2005-04
SCAO ADM 2008-01

REVISION HISTORY:

[IV-D Memorandum 2016-010](#)

IV-D Memorandum 2013-011

IV-D Memorandum 2010-018