

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

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1. Overview

This manual section provides guidance to IV-D staff regarding the civil contempt (show cause) remedy for enforcing child support orders.

Civil contempt actions can lead to many possible outcomes. Because a civil contempt action can lead to an individual’s deprivation of liberty through incarceration, it is important for IV-D staff to initially assess the non-custodial

parent's (NCP's) ability to pay support or to comply with the order.¹ Case screening is also imperative in contempt hearings for due process because an individual's ability to pay the support obligation and/or comply with a purge condition² is a vital aspect of civil contempt.

2. Legal Authority

2.1 Federal Law

Federal law requires the state child support program to enforce child support obligations.³ The IV-D program is required to have an effective system for monitoring support obligation compliance. In addition, the IV-D program must enforce an obligation within 30 calendar days of identifying non-compliance.⁴

Federal law also requires the state to have laws for effective child support enforcement and for the IV-D program to implement procedures pursuant to those laws.⁵

2.2 Federal Regulations

Federal regulation requires the state IV-D agency to “establish guidelines for the use of civil contempt citations in IV-D cases.”⁶ Under these guidelines, the IV-D agency will:

- “Screen the case for information regarding the noncustodial parent’s ability to pay or otherwise comply with the order;
- Provide the court with such information regarding the noncustodial parent’s ability to pay, or otherwise comply with the order, which may assist the court in making a factual determination regarding the noncustodial parent’s ability to pay the purge amount or comply with the purge conditions; and
- Provide clear notice to the noncustodial parent that his or her ability to pay constitutes the critical question in the civil contempt action.”

¹ Ref: federal [Office of Child Support Enforcement \(OCSE\) Final Rule Fact Sheet: Civil Contempt – Ensuring Noncustodial Parents Have the Ability to Pay.](#)

² Purge conditions are the conditions the individual must meet to avoid the sentence of a finding of contempt. A purge condition may be an amount that must be paid, such as an amount to be paid toward a child support arrearage.

³ Social Security Act (SSA), Section 454(4)

⁴ 45 Code of Federal Regulations (CFR) 303.6

⁵ SSA, Section 454(20), 45 CFR 302.70

⁶ Ref: 45 CFR 303.6(c)(4); [OCSE Action Transmittal \(AT\)-16-06, Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs](#); [OCSE AT-12-01, Turner v. Rogers Guidance](#); and [OCSE Information Memorandum \(IM\)-12-01, Alternatives to Incarceration.](#)

OCSE revised the regulation to ensure:

- Compliance with the U.S. Supreme Court decision in *Turner v. Rogers*, 564 U.S. ___, 131 S. Ct. 2507 (2011);
- Child support case outcomes are just and comply with due process; and
- Enforcement proceedings are cost-effective and in the best interest of the child.

2.3 State Law

Michigan law requires the Friend of the Court (FOC) to initiate enforcement through one or more measures provided in the Support and Parenting Time Enforcement Act (SPTEA). The SPTEA requires enforcement when “the arrearage under the support order is equal to or greater than the monthly amount of support payable under the support order.”⁷ The SPTEA states that the FOC office or the recipient of child support may pursue a civil contempt action if:

- The NCP is not paying support per the court’s order, or the NCP refuses to obey and perform the order; and
- An order of income withholding is inapplicable or unsuccessful.⁸

The SPTEA authorizes but does not require civil contempt as an enforcement action. Michigan Court Rules (MCR) provide the procedure for pursuing civil contempt.⁹ Additionally, Michigan law provides for many possible outcomes for civil contempt of a support order. Incarceration is one of the possible outcomes; however, Michigan law requires that the court enter an order of commitment (incarceration) only as a last resort.¹⁰

3. Starting a Civil Contempt Action

When IV-D staff review their caseload for non-compliant cases, they may find an NCP is eligible for several enforcement actions. After considering the mandatory and discretionary remedies and the level of engagement or escalation that may be needed to encourage the NCP to pay support, IV-D staff may elect to pursue civil contempt.

3.1 IV-D Staff Actions

To start a civil contempt action, IV-D staff will:

⁷ Michigan Compiled Law (MCL) 552.511(1)(a)

⁸ MCL 552.631(1)

⁹ MCR 3.208, MCR 3.213, and MCR 3.221

¹⁰ MCL 552.631, 552.633, and 552.637

- Screen the docket for the NCP's ability to pay;¹¹
- Record that the NCP/docket has been screened and whether the FOC intends to proceed with a civil contempt action; and
- Manually start the *Show Cause/Bench Warrant* (SCBW) activity in MiCSES¹² via the *Enforcement Processor* (ENFP) screen or the *Enforcement Activity Group* (ENFA) screen when they are ready to schedule the show cause hearing.

IV-D staff may identify cases to screen for civil contempt action by running the *Civil Contempt Screening Prioritization Report* (SR-00-12) through Business Objects' Self-Service Reporting (SSR). Cases listed on the SR-00-12 report meet the same criteria that MiCSES uses to list them on the ENFA screen and load the SCBW activity onto the ENFP screen. IV-D staff may refer to Subsection 4.2.6, "*Civil Contempt Screening Prioritization Report* (SR-00-12)," in this manual section for details about using and customizing the report.

3.2 System Actions: Eligible Case Identification

MiCSES supports IV-D staff in reviewing cases for potential civil contempt action by automatically monitoring case arrearages and alerting FOC staff.

3.2.1 Assess Eligibility Criteria

IV-D cases are eligible for show cause when:

- The arrearage on a IV-D case has reached one month's support obligation or \$500 in arrearages;
- Income withholding is not active or is active but was started more than 42 days ago; and
- Less than 75 percent of the monthly support obligation is being paid.

3.2.2 Act on Potentially Eligible Cases and Alert Staff

When a case meets these conditions, MiCSES will:

- Load the SCBW activity onto the ENFP screen;
- Alert FOC staff through the *Alert Detail* (ALRT) screen; and
- Load the case to the ENFA screen as potentially eligible for the SCBW activity.¹³

MiCSES will only load the case to the ENFP and ENFA screens. It will not automatically start the activity or auto-schedule a show cause hearing. "Potentially eligible" means the case meets the conditions listed above.

¹¹ Ref: Section 4 of this manual section for information on screening cases.

¹² MiCSES is the Michigan Child Support Enforcement System.

¹³ Ref: documentation for the [ALRT](#), [ENFA](#), and [ENFP](#) screens on mi-support for more information.

However, IV-D staff will still screen the case and decide whether to proceed with or start the SCBW activity.

4. Screening Cases

4.1 Screening Overview and Purpose

The primary purpose of case screening is to obtain and evaluate “ability to pay” information in order to promote better outcomes for families in the IV-D program when enforcement is necessary. Case screening is an evaluation process and decision point for IV-D staff to choose whether to initiate a civil contempt action or to consider an alternate course of action. IV-D staff screening cases assists the court in determining the payer's ability to pay and ensuring due process is provided.

IV-D staff will not use the screening process to make a **final determination/finding** of the NCP’s ability to pay. Further, the results of the screening will not *prevent* IV-D staff from initiating or *require* them to initiate a civil contempt action. If IV-D staff choose to initiate a civil contempt action based on the **initial evaluation** of the NCP’s ability to pay, the court will make the **final determination** of the NCP’s ability to pay and whether (s)he is in contempt.

IV-D staff will assess the NCP’s circumstances, history, and his/her financial ability to pay the amount of support ordered and/or the amount of accumulated arrears.

4.2 Screening Details

4.2.1 Who Will Screen

Screening will be completed by IV-D staff, and the FOC office will determine which staff will screen the NCPs for their office.

If an NCP has multiple cases eligible for enforcement in multiple counties, IV-D staff in each county’s FOC office will screen the cases in their own county. One county’s evaluation will not necessarily apply to other counties’ cases and will not require or prevent civil contempt actions in the other county(ies).

4.2.2 Timing

IV-D staff will screen a case for the NCP’s ability to pay **before initiating** a civil contempt action and starting the SCBW activity on the ENFP screen. The screening will also occur **before:**

- Scheduling a show cause hearing with a referee or the court; and
- Sending the *Notice of Contempt Hearing for Failure to Pay Support* (FEN14L/FEN140/FOC2b) to the parties, or sending the *Motion and Order to Show Cause for Contempt – Support* (FEN14L/FEN140/FOC2) to the court and the parties.

4.2.3 Sources for Screening Information

A. *Contempt Ability to Pay Screening (CAPS) Screen*¹⁴

IV-D staff will use the CAPS screen for evaluating an NCP/docket for civil contempt.¹⁵ However, this does not preclude IV-D staff from using other resources for screening. The CAPS screen provides a single source of aggregated MiCSES and Data Warehouse information that is relevant for civil contempt screening. The CAPS screen displays the screening factors at the top of the *Tiles Pane* by default.

IV-D staff who have roles for view and/or update access on the ENFP screen will have the same privileges on the CAPS screen. The primary focus and purpose of the CAPS screen is for case screening, although IV-D staff may also find it useful for other purposes.

B. Business Objects and Self-Service Reporting (SSR)

IV-D staff may use Business Objects and SSR reports to obtain information relevant to screening an NCP's ability to pay.

The SR-00-12 report is specifically designed to help IV-D staff with "ability to pay" screening and with prioritizing and sorting cases to determine whether civil contempt or an alternative enforcement remedy may be a suitable and effective action. The SR-00-12 report contains information relevant to the screening factors.

C. *Ability to Pay Worksheet*

IV-D staff may use the *Ability to Pay Worksheet* (FEN14X, FEN14Y, and FEN14Z) to gather information from the NCP and/or custodial party (CP) about the NCP's ability to pay. It includes questions pertaining to the screening factors as well as additional questions intended to discover and/or confirm an NCP's resources and barriers. It also informs the recipient that the information (s)he provides may be shared with the other party or the court.

¹⁴ Ref: [CAPS screen documentation](#) on mi-support.

¹⁵ Ref: Subsection 4.2.5 of this manual section for information about the screening factors and Subsection 4.2.7 for information about recording whether a case has been screened.

Three different versions of the worksheet are available in MiCSES:

- CP/Payee version (FEN14X);
- NCP/Payer version (FEN14Y); and
- Pre-populated NCP/Payer version (FEN14Z).

The FEN14Z is pre-populated with NCP information already recorded in MiCSES. It advises the NCP to complete any blank information or to correct/update any of the pre-populated information.

1. Generating a Worksheet

To support case screening, IV-D staff may generate a worksheet on an ad hoc basis for the NCP and/or CP from the *Enforcement Forms Matrix* (ENFM) screen.

IV-D staff may also generate a worksheet as an attachment to the *Notice of Contempt Hearing for Failure to Pay Support* (FEN14L/FEN140/FOC2b) or the *Motion and Order to Show Cause for Contempt – Support* (FEN14L/FEN140/FOC2) when the FEN14L/FEN140 is generated.¹⁶

Pursuant to federal IV-D regulations, IV-D staff should first attempt to solicit “ability to pay” information through a worksheet before issuing a FEN14L/FEN140. Generating a worksheet at the same time as the FEN14L/FEN140 generally means a decision to proceed with a civil contempt (show cause) action has already been made and a hearing has been scheduled. Including the FEN14X, FEN14Z, and/or FEN14Y with the FEN14L/FEN140 may only be beneficial for:

- A secondary screening; or
- A further attempt to gather additional information about the payer’s ability to pay.

2. Options for Returning the Worksheet(s)

The worksheet(s) informs NCPs and/or CPs of one of two FOC-defined options for returning the worksheet(s) to the FOC:

- By mail, fax or in person within 14 days; or

¹⁶ Ref: [State Court Administrative Office \(SCAO\) Friend of the Court Bureau \(FOCB\) Memorandum MCR 3.208 – Initiating Show Cause by Friend of the Court Notice](#) (August 13, 2018) regarding using a notice versus using a motion and order to show cause as well as conducting “ability to pay” screening at a prehearing conference.

- In person when the party appears for an interview or the hearing.

Each FOC office will define its options for the worksheet(s) on the *County Profile Information Editor (FCPE)* screen.¹⁷

D. Meeting, Interview, or Pre-Hearing Conference

IV-D staff may meet with, interview, and/or hold a pre-hearing conference with the parties to gather information relevant to the NCP's ability to pay. The meeting, interview, or conference does not have to be in-person – it can be done by phone, teleconference, etc. IV-D staff are encouraged to meet with or interview the NCP and/or CP prior to pursuing civil contempt or a formal civil contempt hearing.

E. Other Sources

IV-D staff may use all readily available sources to assess the NCP's ability to pay. However, this policy does not require IV-D staff to perform a comprehensive, exhaustive search beyond the CAPS screen and the screening factors described in Subsection 4.2.5 of this manual section.

4.2.4 Recording New Information Obtained During Case Screening

All IV-D staff should update or enter new information into MiCSES when it is gathered through an *Ability to Pay Worksheet*, interviews and hearings with the NCP and/or CP, or other sources. Entering this information in MiCSES will ensure it is available for future "ability to pay" screening shared across IV-D offices and will make it available to all IV-D staff who may work the member's cases now or in the future. Recording worksheet results will provide more complete information regarding members' life experiences, abilities, and constraints, which in turn can lead the IV-D program to better serve them.

4.2.5 "Ability to Pay" Screening Factors

IV-D staff should not rely solely on one factor to decide whether to pursue civil contempt. IV-D staff should assess a combination of factors as they contribute to the NCP's overall ability to pay and should consider other known factors beyond the factors listed below.

In addition, IV-D staff are not required to perform an exhaustive investigation to discover any missing factor(s). They are not restricted from proceeding if a particular factor is unavailable or unknown through

¹⁷ Ref: [FCPE screen documentation](#) on mi-support for information on setting worksheet options.

MiCSES or another source. They are also not restricted from proceeding regardless of what the known factors appear to suggest about an NCP's ability to pay.

A. Required Screening Factors

IV-D staff will evaluate the following factors:

- The NCP's payment history;
- Income withholding activity;¹⁸
- Review and modification activity;
- The NCP's receipt of Supplemental Security Income (SSI) or Social Security Disability (SSD);
- The NCP's current and historical incarceration;
- The NCP's receipt of workers' compensation.

B. NCP Receiving Public Assistance

IV-D staff will also evaluate the NCP's public assistance status (current or historical receipt) **if** the assistance information is available on the CAPS screen. The CAPS screen will display the last 12 months of information for all assistance program types – not just those types for which the Michigan Department of Health and Human Services (MDHHS) refers cases to the IV-D program for IV-D services.¹⁹

An NCP's receipt of public assistance suggests that (s)he does not have the ability to pay, and civil contempt may not be an appropriate enforcement remedy.

Note: IV-D staff will use the public assistance information on the CAPS screen only for the purpose of screening cases for the ability to pay. This information is not intended to replace, supplement, or be used as a comparison with the assistance information found on the *Member Assistance History (MAHI)* screen, Data Warehouse, and/or Business Objects Reports for other purposes.

¹⁸ This activity is evident by the presence of the *Immediate Income Withholding Order (IIWO)* and/or *Unemployment Withholding (UNEM)* activity chains.

¹⁹ Ref: [Michigan IV-D Child Support Manual Section 2.05, "Referral and Applications,"](#) for more information about referred program types. Ref: the [MDHHS website](#) for more information about other program types.

C. Additional Factors

IV-D staff should review the following information in addition to the required factors and the NCP's receipt of public assistance.

1. Assets

An abundance of assets with relatively high value may indicate the NCP has the financial means to pay support. These assets may include financial accounts, real estate, and vehicles.

2. Licenses

An NCP may have more opportunity to access and maintain income-producing work if (s)he has a valid driver's license. A professional license may indicate the level of income an NCP is currently earning or capable of earning. One or more recreational licenses may indicate that the NCP has discretionary income which could be used to pay child support, and (s)he may have an asset associated with the recreational activity such as an off-road vehicle, boat, recreational vehicle, camper, recreational property/real estate, etc.

3. Education

The level of education and trade/technical training an NCP has obtained as well as education-related matters such as illiteracy or learning disabilities may indicate his/her ability to earn income.

4. Housing

Unstable housing or homelessness may indicate impediments to an NCP's ability to earn income and pay support.

5. Medical

Current or historical medical, mental health, or substance abuse issues may impede an NCP's ability to earn income. Other barriers to earning may include current hospitalization or residence in an inpatient treatment center.

6. Transportation

NCPs who lack access to transportation may have a decreased ability to obtain or maintain gainful employment.

4.2.6 *Civil Contempt Screening Prioritization Report (SR-00-12)*²⁰

A. Use of Report

IV-D staff can use the SSR's SR-00-12 report to:

- Sort and prioritize cases for “ability to pay” screening;
- Determine whether civil contempt or an alternative enforcement remedy may be a suitable and effective action;
- Review and evaluate “ability to pay” screening factors as well as estimate an NCP's likelihood of having an ability to pay; and
- Prioritize cases for enforcement given the office's work capacity or scheduling limitations.

IV-D staff are not required to use the SR-00-12 report for “ability to pay” screening. IV-D staff may choose to use it because it will contain a wide range of information relevant to the screening factors, and it will calculate a prioritization score. The scoring, along with the ability to sort, should help IV-D staff prioritize those cases for which an NCP's “ability to pay” screening factors suggest civil contempt would be an appropriate and successful action.

B. Scoring

For the purposes described above, the SR-00-12 report includes scoring for each NCP at the docket level. [Exhibit 6.39E1, SR-00-12 Civil Contempt Screening Prioritization Report – Scoring Criteria and Calculations](#) provides details about how the report determines an NCP's final score result.

Generally, higher scores, weighted scores, and a higher overall score result suggest an increased priority for IV-D staff review. It may also suggest the NCP has an ability to pay and could indicate that a civil contempt action may be successful. Likewise, lower results suggest a reduced priority for review and/or an inability to pay and may indicate that civil contempt may be less likely to be a successful enforcement remedy. The scoring example below suggests NCP A (score of 93) has a relatively higher likelihood of an ability to pay than NCP B (score of 33).

The score is not intended to be a definitive determination of the NCP's ability to pay, and IV-D staff may use discretion when

²⁰ Ref: the [Self-Service Reporting](#) page and [Self-Service Reporting \(SSR\)](#) documentation on mi-support for system details and instructional documentation.

considering it. The score is meant only to be an estimation – a final determination of an NCP’s ability to pay is the court’s mandate.

1. “Raw” Scores²¹

Each of the required screening factors, as well as some discretionary factors, that are applicable to the NCP will have a “raw” score (on a scale of 0-3, low-high). Each raw score will be weighed for its relative importance (on a scale of 0-10, low-high). The report will include scores for the following:

- a. Number of other orders for the NCP with a balance or currently charging;
- b. Current support paid percentage for the docket/order, or ordered on arrears (OOA) paid percentage if the docket/order has OOA without current support charges;
- c. Number of income withholding notices for unique sources of income with payments distributed to the docket/order in the last 12 months;
- d. Social Security Retirement, Survivors, Disability Insurance (RSDI) activity in the last 12 months;
- e. SSI activity in the last 12 months;
- f. Incarceration (current or historical);
- g. Time since last review of the order;
- h. Workers’ compensation incident activity in the last 12 months; and
- i. Veterans’ Affairs benefits.

2. Weights and Weighted Score/Total Weighted Score²²

Each screening factor’s score is multiplied by the weight to determine a weighted score for each factor.

Weights for all factors are defaulted to 5 on a scale of 1-10 in the statewide, baseline model report. The default weights for the statewide baseline model reflect a deliberate, neutral weighting of all the scored factors for the baseline model only. This does not mean all factors are or should be treated equally with the same weight. IV-D offices can modify the weight of a score to increase or decrease its significance in determining the ability to pay (see the subsection “Customizing the SR-00-12” further below). For example, reducing the weight from 5 to 3 for a factor indicates that

²¹ Section 1 of Exhibit 6.39E1 provides a description of the score and scale for each screening factor.

²² Section 2 of Exhibit 6.39E1 provides more information about the use of weighted scores for each screening factor.

the factor is not as relatively important as other factors with higher weights for prioritization or estimating the ability to pay.

The report sums all factors' weighted scores into a total weighted score for the NCP/docket and compares the total weighted score to the total possible score for calculating an overall score result.

3. Possible Score and Total Possible Score

The report calculates a possible score for each factor by multiplying the highest possible score for the factor by the factor's weight. For example, if the weight for a factor is 4 and the highest possible score is 3, the possible score for that factor is 12. Then the report sums all the factors' possible scores into the total possible score.

4. Score Result²³

The report calculates an overall score result for the NCP/docket.

The score result consists of the total weighted score (the sum of all the weighted scores) divided by the total possible score (the sum of all the possible scores) multiplied by 100.

C. Scoring Example

Below is an example of scoring for two different NCPs. In this example, NCP A was incarcerated but released over 12 months ago and has paid 75 percent or more of current support in the past 12 months. NCP B was released from incarceration within the last 12 months and has paid between 25 and 50 percent of current support in the past 12 months.

²³ Section 3 of Exhibit 6.39E1 provides detail about how the report calculates the score result.

	Screening Factor	Raw Score (0-3)	Weight (0-10)	Weighted Score (Raw Score x Weight)
NCP A	Incarceration History	2	4	8
	Review/Modification	3	7	21
	Current Support	3	9	27
	Total Weighted Score			56
Score Result²⁴				93
NCP B	Incarceration History	1	4	4
	Review/Modification	1	7	7
	Current Support	1	9	9
	Total Weighted Score			20
Score Result				33

D. Customizing the SR-00-12

The SR-00-12 report is designed as a statewide baseline model. OCS will implement modifications to the statewide baseline model report only through a policy publication after consultation with IV-D partners at a statewide, program-wide level.

IV-D offices can copy the baseline model report to their local folder in the SSR. IV-D offices may then modify the *weight* of a screening factor's score in their local copy of the SR-00-12 report.²⁵ IV-D offices should not modify the factors that are scored on the report or the factors' underlying raw score values or criteria – this is not an intended use of the report. IV-D offices will only modify the *weights* of factors' scores.

For example, a IV-D office may choose to customize the weightings to reflect:

- The county's practices/needs; or
- The court's focus or tendencies in determining the ability to pay.

OCS recommends each office establish standards and a business case(s) within the office for customizing the weights. Each office should decide whether to use adjusted weightings and if the same

²⁴ This score result consists of the total weighted score (56, the sum of all the weighted scores) divided by the total possible score (60, the sum of all the possible scores) multiplied by 100. Ref: Section 3 of Exhibit 6.39E1 for details about the calculation of possible scores, the total possible score, and the overall score result.

²⁵ In July 2021, OCS will be delivering a training webinar that will include how to customize the weighting. A recording of the webinar will be available in the Learning Management System.

adjusted weightings will be used by all staff or whether different teams within the office will use different weights. Individual IV-D workers should not adjust the weights on an ad hoc basis. Office standards will help ensure that NCPs receive consistent treatment across the office's cases and caseloads and will avoid the appearance of worker preference or unintentional bias.

4.2.7 Recording the Completion of Screening

IV-D staff will manually record that a case has been screened and whether they have decided to pursue civil contempt.²⁶ Recording this information is important for improving the data collection process related to the NCP's ability to pay.

IV-D staff will use the *Screening* tab on the CAPS screen for recording that a case has been screened. MiCSES defaults the screening indicator (the *Civil Contempt Screening* field) on the CAPS screen to "N – not screened." Another CAPS screen indicator (the *Proceed with Show Cause* field) allows IV-D staff three options for recording their decision about proceeding or not proceeding with a show cause activity:

- "Y" – The intent to proceed immediately with scheduling a show cause hearing;
- "E" – The intent to proceed later with more time to gather more information, conduct an interview, etc.; or
- "N" – Civil contempt will not be pursued at this time.

IV-D staff may modify the CAPS screen indicators at any time to correct an error, reflect a change in intent, or reflect a new screening/rescreening effort (e.g., review the screening factors again to assess pursuing a new SCBW activity).

Example:

A IV-D worker screened a case and intended to proceed with civil contempt proceedings after gathering more information. However, the new information suggested the NCP did not have the ability to pay; therefore, the IV-D worker decided not to proceed. In this scenario, the IV-D worker would reset the CAPS screen indicators from "screened/eligible to proceed" to a "screened/do not proceed" status to reflect the decision. The IV-D worker can view a history of the indicator changes on the CAPS screen.

²⁶ Ref: Subsection 4.2.1 in this manual section for information regarding who will screen cases.

5. Starting/Proceeding with a Civil Contempt Action Within 180 Days of Case Screening

IV-D staff may start and proceed with a civil contempt action only if the case has been screened within the last 180 days. IV-D staff are restricted from starting the SCBW activity chain unless they have recorded that the case has been screened with the intent of proceeding immediately or later. If IV-D staff attempt to start the SCBW activity chain without recording this information, MiCSES will display an error message. If IV-D staff decide to proceed later, they should consider at that time whether the screening is still valid or whether they should rescreen the case before starting the action.

When IV-D staff attempt to start the SCBW activity chain through the ENFP screen or ENFA screen within the 180-day timeframe, MiCSES will display the date IV-D staff screened the case. This prompt provides an additional opportunity for IV-D staff to decide whether to proceed or to rescreen the case because time has passed since the initial screening and/or additional information has been discovered that may change the decision to proceed.

MiCSES will automatically reset the screening indicator (the *Civil Contempt Screening* field) on the CAPS screen to “N – not screened” when one of the following occurs (whichever occurs first):

- The SCBW chain has been completed/closed; or
- 180 days have elapsed and the SCBW activity chain has not been started.

Once the SCBW activity chain is started, IV-D staff will not rescreen the case – MiCSES will not reset either the *Civil Contempt Screening* or *Proceed with Show Cause* fields on the CAPS screen if the activity chain is started and open. For example, cases do not need to be rescreened for hearings that have been adjourned.

The 180-day timeframe is intended to ensure IV-D staff review an NCP’s circumstances for each instance of potential civil contempt action because they may change over time. In other words, conducting only one screening of the NCP’s ability to pay is not sufficient to cover multiple, future occasions of civil contempt actions.

6. Notice to the NCP

Federal regulation requires the IV-D program to provide notice to the NCP when (s)he is subject to a civil contempt action.²⁷ The *Notice of Contempt Hearing for Failure to Pay Support* (FEN14L/FEN140/FOC2b) and the *Motion and Order to Show Cause for Contempt – Support* (FEN14L/FEN140/FOC2) include language to

²⁷ 45 CFR 303.6(c)(4)

inform the NCP that his/her ability to pay is a critical issue for the civil contempt proceeding.²⁸

This language encourages the NCP to come to the hearing prepared with information relevant to his/her ability to pay support or comply with the order. A well-prepared NCP can help increase the accuracy of the court's determination and promote fairness.

7. Providing Information to the Court

IV-D staff will provide the court information about the NCP's ability to pay, which may assist the court in making its determination and findings. At a minimum, IV-D staff should provide the court with relevant information obtained from the case screening and/or the relevant factors that IV-D staff relied on for the decision to bring the action.

IV-D staff in the FOC offices will determine how to provide information to the court. The communication method will be based on the nature of the case, the local office's practice, and the court's preference. IV-D staff can provide the information to the court verbally or through documentation, and the parties can provide the information through their own testimony.

SCAO recommends the use of a report as an effective and efficient tool that protects procedural justice and avoids the appearance of advocacy.²⁹ FOC offices may develop a report or use an existing report for this purpose; however, the Civil Contempt Workgroup, OCS, SCAO, and the SCAO Enforcement Manual Workgroup have been working on a model report for use in the future to provide information to the court.³⁰

7.1 Court Order Information Report (CCRT)

IV-D staff will not provide the CCRT report to the court because it contains confidential information and is intended only for IV-D staff use. It may also contain federal tax information that is subject to protection.³¹ IV-D staff may generate the CCRT report only to support their preparation, involvement, testimony, etc. for the court.

²⁸ This language was added to the form in MiCSES on August 23, 2018. Ref: the [August 16, 2018 email notification: Updated Enforcement Templates Releasing to Production 8/23/2018](#).

²⁹ Ref: SCAO FOCB Memorandum *MCR 3.208 – Initiating Show Cause by Friend of the Court Notice* (August 13, 2018).

³⁰ At this time, an implementation date for the report has not been determined.

³¹ Ref: [Michigan IV-D Child Support Manual Section 1.10, "Confidentiality/Security,"](#) for more information about federal tax information and confidentiality.

7.2 Internal Use of the SR-00-12

IV-D staff will not provide the SSR's SR-00-12 report to the court. It is for internal IV-D use only, primarily for the screening and prioritization purposes described in this manual section. It contains confidential IV-D information for multiple NCPs and cases. IV-D staff may share with the court the appropriate information obtained from the report for the specific NCP's relevant case. Similar to the *Court Order Information Report (CCRT)*, IV-D staff may generate the SR-00-12 to support civil contempt screening as well as their preparation, involvement, testimony, etc. in civil contempt hearings. The SR-00-12 report's scoring is not intended to be:

- A method of providing information to the court for the purpose of the court determining an NCP's ability to pay; or
- Entered into the court record.

8. Contract Performance Standards³²

Case screening completion will be counted as timely enforcement for Contract Performance Standards – regardless of whether IV-D staff intend to proceed with civil contempt. The SCBW activity is counted as a resolution to the Timely Enforcement standard when the activity chain has been started on the ENFP screen.

SUPPORTING REFERENCES:

Federal

45 CFR 303.2(c)
45 CFR 302.70
45 CFR 303.6
45 CFR 303.6(c)(4)
SSA, Section 454(4)
SSA, Section 454(20)

OCSE AT-16-06
OCSE AT-12-01
OCSE IM-12-01

State

MCL 552.511
MCL 552.511(1)(a)
MCL 552.631
MCL 552.631(1)
MCL 552.633
MCL 552.637
MCR 3.208
MCR 3.213

³² Ref: [Section 1.25, "Contract Performance Standards \(CPS\)," of the Michigan IV-D Child Support Manual](#) for more information about Contract Performance Standards.

MCR 3.221

REVISION HISTORY:

[IV-D Memorandum 2021-015](#)

IV-D Memorandum 2019-010