
**DEPARTMENT
PHILOSOPHY**

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent.

**DEPARTMENT
POLICY****Family Independence Program (FIP), Child Development and Care (CDC) Income Eligible, Medicaid (MA) and Food Assistance Program (FAP)**

The custodial parent or alternative caretaker of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending.

Absent parents are required to support their children. Support includes **all** of the following:

- Child support.
- Medical support.
- Payment for medical care from any third party.

Note: For purposes of this item, a parent who does not live with the child due solely to the parent's active duty in a uniformed service of the U.S. is considered to be living in the child's home.

Complete the Absent Parent Logical Unit of Work and trio for any group member who has been or is currently a recipient of public assistance as a dependent child and had an absent parent.

Complete a new trio when the custodial parent/caretaker changes.

The summary will include all trios created for individuals who had an absent parent during an episode of assistance. This may include parents who were previously absent for a period of time an individual received assistance. This may include individuals who are now adults but the history of having an absent parent is

necessary for the OCS to determine disbursement of arrearage payments that may be received.

Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance (TOA); see **Support Disqualification** in this item.

Note: When OCS, FOC or a prosecuting attorney determines a client is in cooperation or noncooperation the determination is entered in Bridges via a systems interface. When the client is in noncooperation, Bridges will generate a notice closing the affected program(s) or reduce the client benefit amount in response to the determination. A copy of the details regarding the cooperation or noncooperation can be requested by contacting the primary worker noted in the Child Support (CS) icon on the Absent Parent Child Link page.

Note: A pregnant woman who fails to cooperate may still be eligible for MA; see **MA Member Disqualification** in this item.

FIP

All rights to current and future court-ordered child support paid for a period of time a child receives FIP must be assigned to the state as a condition of FIP eligibility. See Assignment in this item for the types of child support payments that a FIP recipient is entitled to keep.

Note: Custodial parents cannot waive family owed arrears while receiving FIP.

Spousal support included in a child support order must also be assigned; see **Support Assignment and Certification** in this item.

GOOD CAUSE FOR NOT COOPERATING

FIP, CDC Income Eligible, MA and FAP

Exceptions to the cooperation requirement are allowed for all child support actions except when the recipient fails to return assigned child support payments received after the support certification effective date; see **Support Certification Effective Date** in this item.

Informing Families about Good Cause

FIP, CDC Income Eligible, MA and FAP

Inform the individual of the right to claim good cause by giving them a DHS-2168, Claim of Good Cause - Child Support, at application, before adding a member and when a client claims good cause. The DHS-2168 explains all of the following:

- The department's mandate to seek child support.
- Cooperation requirements.
- The positive benefits of establishing paternity and obtaining support.
- Procedures for claiming and documenting good cause.
- Good cause reasons.
- Penalties for noncooperation.
- The right to a hearing.

Grant good cause **only** when both of the following are true:

- Requiring cooperation/support action is against the child's best interests.
- There is a specific good cause reason.

See the Good Cause Reasons in this item.

Good Cause Reasons

FIP, CDC Income Eligible, MA and FAP

There are two types of good cause:

1. Cases in which establishing paternity/securing support would harm the child. Do **not** require cooperation/support action in any of the following circumstances:
 - The child was conceived due to incest or forcible rape.

- Legal proceedings for the adoption of the child are pending before a court.
 - The individual is currently receiving counseling from a licensed social agency to decide if the child should be released for adoption, **and** the counseling has **not** gone on for more than three months.
2. Cases in which there is danger of physical or emotional harm to the child or client. Physical or emotional harm may result if the client or child has been subject to or is in danger of:
- Physical acts that resulted in, or threatened to result in, physical injury.
 - Sexual abuse.
 - Sexual activity involving a dependent child.
 - Being forced as the caretaker relative of a dependent child to engage in non-consensual sexual acts or activities.
 - Threats of, or attempts at, physical or sexual abuse.
 - Mental abuse.
 - Neglect or deprivation of medical care.

Note: This second type of good cause may include instances where pursuit of child support may result in physical or emotional harm for a refugee family, or the absent parent of a refugee family, when the family separation was the result of traumatic or dangerous circumstances. This may also apply to individuals who are treated to the same extent as a refugee, including asylees and victims of trafficking.

Claiming Good Cause

FIP, CDC Income Eligible, MA and FAP

If a client claims good cause, both the specialist and the client must sign the DHS-2168. The client must complete Section 2, specifying the type of good cause and the individual(s) affected. Give the client a copy of the completed DHS-2168.

To prevent any support action while the good cause claim is pending, enter good cause status and claim date in the absent parent

logical unit of work and file the DHS-2168 in the case **within two working days of completion**. A claim may be made at any time. The FIS/ES specialist is responsible for determining if good cause exists. Do **not** deny an application or delay program benefits just because a good cause claim is pending.

A good cause claim must do all of the following:

- Specify the reason for good cause.
- Specify the individuals covered by it.
- Be supported by written evidence or documented as credible.

Evidence and Credibility of Good Cause

Request the client provide evidence of good cause within 20 calendar days of claim. Allow an extension of up to 25 calendar days if the client has difficulty obtaining the evidence.

Note: Change the Verification Check List (VCL) due date in Bridges manually, to extend the due date of verification.

Assist clients in obtaining written evidence if needed. Place any evidence in the case record. See Verification Sources in this item for examples of acceptable evidence.

If written evidence does **not** exist, document why none is available and determine if the claim is credible. Base credibility determination on available information, including client statement and/or collateral contacts with individuals who have direct knowledge of the client's situation.

Verification of good cause due to domestic violence is required only when questionable.

Determining Good Cause

FIP, CDC Income Eligible, MA and FAP

Make a good cause determination within 45 calendar days of receiving a signed DHS-2168 claiming good cause. The OCS can review and offer comment on the good cause claim before you make your determination. Exceed the 45-day limit **only if** all of the following apply:

- The client was already granted an additional 25-day extension to the original 20-day limit.
- More information is needed that **cannot** be obtained within the 45-day limit.
- Supervisory approval is needed.

Document extensions in the case record.

One of three findings is possible when making a determination:

- Approved - Continue with Child Support Action.

Example: Court order is already established and client participation is no longer necessary to pursue support.

- Approved - Discontinue or do not initiate Child Support Action; this applies when there is a risk to the child or custodial parent/caretaker or there is an existing child support order.
- Denied - Good cause does not exist; this applies if the family does not present criteria that meets good cause or there was no convincing evidence of risk.

All good cause determinations must be:

- Approved by a specialist's supervisor.
- Reviewed at every redetermination if subject to change.
- Documented on the DHS-2169, Notice of Good Cause Finding - Child Support/Third Party Resources **and** a copy must be placed in the case record.
- Entered in the absent parent logical unit of work to include status, claim date, and begin date when approved. End date is entered when applicable.

ROLE OF THE SUPPORT SPECIALIST

FIP, CDC Income Eligible, MA and FAP

Support Specialists work for the OCS to support families by:

- Accepting referrals/applications for child support services on behalf of public assistance recipients, as well as from the general public.
- Obtaining absent parent information from clients.
- Reviewing and offering comment on good cause claims.
- Attending pre-hearing conferences and administrative hearings in support of OCS actions.
- Determining cooperation and non-cooperation (entered in Bridges via the systems interface).
- Referring appropriate cases to the local prosecutor or the FOC.

Support Specialist Role in Good Cause

FIP, CDC Income Eligible, MA and FAP

Enter the good cause claim **within two workdays of the individual's claim**. No support action or contact with the client will be initiated while the good cause claim is pending.

Provide the support specialist with information if submitted when a recommendation is needed. Consider the OCS recommendation even though it is not binding. Consider the recommendation especially when determining if support action can proceed without the client's cooperation and without resulting in physical/emotional harm to the child or client.

CHILD SUPPORT REFERRAL REQUIREMENTS

FIP, CDC Income Eligible, MA, and FAP

Refer unmarried children who have no legal father or who have a legal parent absent from the home to the OCS for child support action by completing the Absent Parent Logical Unit of Work and certifying eligibility of benefits.

Exception: The following children are not referred to OCS:

- Children whose absent parent is deceased.

- Children adopted by a single parent only.
- Teen and minor parents with an **adult** Eligibility Determination Group (EDG) participation status.

MA Only

The support specialist will **not** take action on deductible cases until after certification of the first period of MA coverage.

Children not living with a specified relative, as defined in BEM 135, are not referred to the OCS.

REPORTING CHANGES TO OCS

FIP, CDC Income Eligible, MA and FAP

Enter new information about the absent parent in the absent parent logical unit of work within two workdays of learning the following changes when there is an active EDG:

- Changes affecting cooperation or a good cause claim.
- New information about an absent parent.

Contact the primary worker noted in the Child Support (CS) icon on the Absent Parent Child Link page to resolve case-specific questions regarding collection action.

Note: The primary child support worker can be the support specialist or the prosecutor's office, which also determines cooperation and non-cooperation.

ESTABLISHING PATERNITY AND OBTAINING SUPPORT

Voluntary Paternity Acknowledgement

FIP, CDC Income Eligible, MA and FAP

Parents who wish to voluntarily establish paternity must complete form DCH-0682, Affidavit of Parentage. Give these clients the DCH-0682. Clients may complete the affidavit in the local office, may take it with them for completion, and/or may seek assistance from the support specialist.

It is critical that parents are provided with sufficient information on the paternity acknowledgement process. If assisting clients in completing the affidavit, be sure to review the consequences, rights and responsibilities of acknowledging paternity that are listed on the DCH-0682.

Refer parents with questions about paternity or child support to the support specialist (1-866-540-0008).

Signatures of both parents on the affidavit must be notarized. Provide each parent with a copy of the completed form.

A copy of the form is available to the public at https://www.michigan.gov/documents/Parentage_10872_7.pdf.

COOPERATION

FIP, CDC Income Eligible, MA and FAP

Cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.
- Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests).

FIP Only

Cooperation includes repaying to the department any assigned support payments received on or after the support certification effective date.

Exception: The following child support payment types should not be returned. The FIP recipient is entitled to keep:

- Child support collections attributed to a time period during which the child was not on FIP, when initial FIP eligibility was certified on or after October 1, 2009.
- Child support refunds.
- Child support reimbursements.

MA

The support specialist will **not** take action on deductible cases until after authorization of the first period of MA coverage in Bridges.

Cooperation is required for an active deductible EDG once the first period of MA coverage is authorized. This requirement continues as long as the EDG is active and includes periods for which MA coverage is **not** authorized.

Support Specialist Determines Cooperation

FIP, CDC Income Eligible, MA and FAP

The support specialist determines cooperation for required support actions. The date client fails to cooperate will be populated in the absent parent logical unit of work and negative action is applied the same night automatically; see **Support Disqualification**.

Exception: Determine non-cooperation for failure to return assigned support payments received after the support certification effective date; see **FIS Determines Cooperation** in this item.

Cooperation is assumed until negative action is applied as a result of non-cooperation being entered. The non-cooperation continues until a comply date is entered by the primary support specialist or cooperation is no longer an eligibility factor. The comply date will be

populated in the absent parent logical unit of work and the mandatory member will be added to active MA and FAP EDG the same night automatically; see **Removing A Support Disqualification** in this item.

FIS Determines Cooperation

FIP Only

Determine non-cooperation for failure to return assigned support payments received after the support certification effective date; see **Support Certification Effective Date** in this item.

The individual is considered non-cooperative when they have received assigned support payments directly for a **second** calendar month after the certification effective date **and** failed to return them to the department.

Note: The two calendar months need not be consecutive.

Start the disqualification procedure; see **Support Disqualification** in this item.

Cooperation exists when the client returns subsequent assigned support payments or an over issuance claim has been established and certification of support has occurred; see **Removing a Support Disqualification** in this item.

SUPPORT DISQUALIFICATION

FIP, CDC Income Eligible, MA and FAP

Bridges applies the support disqualification when a begin date of non-cooperation is entered and there is no pending or approved good cause. The disqualification is not imposed if any of the following occur on or before the timely hearing request date; see BAM 600, Hearings:

- OCS records the comply date.
- The case closes for another reason.
- The non-cooperative client leaves the group.
- Support/paternity action is no longer a factor in the child's eligibility (for example, the child leaves the group).

- Client cooperates with the requirement to return assigned support payments to DHS and the support is certified.
- Client requests administrative hearing.

Note: Reinstatement of FIP and income-eligible CDC is necessary to prevent the disqualification from being applied when an administrative hearing is requested timely.

Support Disqualification At Application

FIP, CDC Income Eligible, MA and FAP

At application, client has 10 days to cooperate with the OCS. Bridges informs the client to contact the OCS in the verification check list (VCL). The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of non-cooperation in the absent parent logical unit of work.
- There is **not** a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending; see **Good Cause For Not Cooperating** in this item.

Note: If the client is cooperating at reapplication, but has not served the minimum one-month penalty for FIP or FAP, Bridges determines eligibility for the month following the penalty month; see **FIP Disqualification** in this item.

Do all of the following at the application interview:

- Inform the applicant that the disqualification will be imposed unless a comply date is received from the support specialist.
- Encourage the applicant to cooperate with the support specialist and discuss the consequences of the non-cooperation.
- Promptly refer persons who indicate a willingness to cooperate to the primary worker from the CS icon. A support specialist

can be reached at 1-866-540-0008 or 1-866-661-0005 to re-evaluate the individual's cooperation status; see **Removing a Support Disqualification** in this item.

FIP Disqualification

FIP

Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month.

Bridges will close FIP for a minimum of one calendar month when any member required to cooperate has been determined non-cooperative with child support. The disqualification is effective the first day of a month.

CDC Disqualification

CDC Income Eligible

Failure to cooperate without good cause, with Office of Child Support requirements for a child requesting or receiving benefits will result in group ineligibility for CDC. Bridges will close or deny the CDC EDG when a child support non-cooperation record exists and there is no corresponding comply date.

MA Member Disqualification

MA

Failure to cooperate without good cause results in member disqualification. The adult member who fails to cooperate is **not** eligible for MA when both of the following are true:

- The child for whom support/paternity action is required receives MA.
- The individual and child live together.

Exception: Bridges will not begin or continue a disqualification for failure to cooperate when any of the following are true:

- During pregnancy when a woman meets all other eligibility factors.

- Up to two months after the month the pregnancy ends.

Note: The child's MA eligibility is not affected by the adult member's disqualification. The adult member's MA must have an ex-parte review before closure because of a failure to cooperate.

FAP Member Disqualification

FAP

Failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The individual and his/her needs are removed from the FAP EDG for a minimum of one month. The remaining eligible group members will receive benefits.

Budgeting Last FIP Grant on FAP When FIP Closes

When FIP closes due to child support non-cooperation and the non-cooperating individual has a FAP EDG participation status of eligible or disqualified, Bridges counts the last FIP grant amount in the FAP budget for **one month**.

Note: The last FIP grant amount is the monthly grant amount the individual received immediately before FIP closed.

Bridges removes the last FIP grant amount from the FAP budget after it has been budgeted for one month.

Hearings

Notify the primary worker from the Child Support (CS) icon of hearing requests involving child support actions. Attempt to resolve the issue without going to a hearing. Involve the primary worker noted in the CS icon on the Absent Parent Child Link page in the pre-hearing conference.

REMOVING A SUPPORT DISQUALIFICATION

FIP, CDC Income Eligible, MA and FAP

Ask a disqualified client at application, redetermination or reinstatement if they are willing to cooperate. A disqualified member may indicate willingness to cooperate at any time. Immediately inform clients willing to cooperate to contact the primary worker from the

CS icon or a support specialist can be reached by calling 1-866-540-0008 or 1-866-661-0005.

Bridges will **not** restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. Bridges will end the non-cooperation record if any of the following exist:

- OCS records the comply date.
- Support/paternity action is no longer a factor in the client's eligibility (for example, child leaves the group).
- For **FIP only**, the client cooperates with the requirement to return assigned support payments, or an over issuance is established and the support is certified.
- For **FIP and FAP only**, a one-month disqualification is served when conditions (mentioned above) to end the disqualification are not met prior to the negative action effective date.

FIP and CDC Income Eligible

Client must reapply for program eligibility when the above did not exist before the negative action effective date of the closure.

MA only

Disqualified member is returned to the eligible group active for program in the month of cooperation.

FAP only

Disqualified member is returned to the eligible group the month after cooperation or after serving the one-month disqualification, whichever is later.

SUPPORT ASSIGNMENT AND CERTIFICATION

Assignment

FIP

Assignment is the agreement of the head of household and parent to give to the state all rights to current and future court-ordered

child support paid on behalf of a FIP recipient for the same time period. Assignment occurs when the individual completes and signs a DHS-1171, Assistance Application.

Note: Minor parents must also sign the DHS-1171 to confirm their understanding of the assignment of child support.

Exception: The following child support payment types are **not** assigned and should not be returned. The FIP recipient is entitled to keep:

- Child support collections attributed to a time period during which the client was not receiving FIP, when initial FIP eligibility is certified on or after October 1, 2009.
- Child support refunds.
- Child support reimbursements.

FIP recipients also assign their spousal support if it is included in the same order as the child support.

Certification

FIP and MA

Child support is certified (sent to the state) when it is paid for a period of time an individual was a dependent receiving FIP or MA. This is reimbursement for the FIP or MA expenditures.

Support certification occurs automatically based on completion of an Absent Parent Logical Unit of Work for each child requiring a referral to the OCS when initial FIP and/or MA eligibility is certified in Bridges.

FIP recipients' spousal support that is included in the same order as child support is also certified.

Support Certification Effective Date

The support certification effective date is based on the initial FIP eligibility date and if direct child support was included in the initial eligibility determination in Bridges. When direct child support is not included in the initial eligibility determination, the certification is effective when eligibility begins. When direct child support is

included in the initial eligibility determination, certification is effective the first of the original ongoing month.

Original Ongoing Month

FIP

The original ongoing month displayed in the FIP EDG summary is the date that child support will begin to be assigned to the state by OCS for the current episode of FIP. The original ongoing month is in the future, as indicated below.

When the initial FIP eligibility date is the first of a month, the original ongoing month is the first day of the month following the day initial FIP eligibility is certified in Bridges.

When the initial eligibility date is the 16th day of a month, the original ongoing month is the later of:

- The first day of the month following the initial eligibility date.
- The first day of the month following the day initial FIP eligibility is certified in Bridges.

CHILD SUPPORT INCOME TEST

The child support income test compares the amount of child support collected by OCS with the FIP grant. This process is automatically applied each month to FIP cases that have certified support. FIP is closed when collected child support exceeds the grant by \$50 in two consecutive months; see BEM 518.

Support Received by FIP Recipient

FIP

A FIP recipient may receive assigned support payments after the support certification effective date because of:

- Delays in processing the certification.
- Delays in processing out-of-state orders.
- An incomplete Absent Parent logical unit of work.

If one of these types of child support is paid to the FIP client, a task/reminder is received by the specialist.

The recipient must return or forward assigned support payments received after the support certification effective date to the local DHS fiscal unit. Accounting Manual item ACM 462 gives fiscal unit instructions for handling client-returned child support warrants.

Inform all clients of this requirement, whether support is established or pending, when FIP is approved or a member is added to a FIP EDG. See Assignment section in this item for the types of child support payments the FIP recipient is entitled to keep.

See BEM 500 and BEM 518 for budgeting policies/procedures for support payments received after the support certification date that are retained by the FIP recipient.

Child Support Warrants Addressed to the Local Office

Child support warrants are mailed to the client's mailing address in Bridges. To minimize the number of warrants received in the local office, avoid entering the local office address as the client's mailing address in Bridges.

When the Local Office Liaison receives a child support warrant addressed to the client at the local office address, a DHS-2362, State Treasurer's Warrants, Rewrite/Disposition Request, will also be received. Determine and notify the Local Office Liaison if the warrant should be returned to MiSDU or forwarded to the individual by completing the DHS-2362.

Note: The client need not return all child support payment types. See Assignment section in this item for types of payments that FIP recipients are entitled to keep while receiving FIP.

VERIFICATION REQUIREMENTS

Good Cause

FIP, CDC Income Eligible, MA and FAP

A claim of good cause must be supported by written evidence or documented as credible. Assist clients in obtaining evidence if needed. See Verification Sources in this item for examples of acceptable evidence.

Verification of good cause due to domestic violence is required only when questionable.

VERIFICATION SOURCES

Good Cause

Pending Adoption

Court documents or records indicating that legal proceedings for adoption are pending.

Adoption Counseling

Written statement from a licensed social agency indicating **both** of the following:

- The individual is receiving counseling to decide whether the child should be released for adoption.
- The counseling has not gone on for more than three months.

Domestic Violence

- Documented receipt of domestic violence counseling or client is residing in a domestic violence shelter.
- Medical records.
- Court records (for example, personal protection order or petition).
- Police records (for example, domestic disturbance response).
- Other case record information (including Children's Services).

LEGAL BASE

FIP

42 USC 608, Social Security Act, Section 408
45 CFR 303.11(b)(9)
MCL 400.1 et seq.
MCL 552.23(2)
MCL 722.718

CDC

The Child Care and Development Block Grant (CCDBG) Act (42 USC § 9858 et seq.), as amended by the CCDBG Act of 2014 (Pub. L. 113-186).

45 CFR Parts 98 and 99

Social Security Act, as amended 2016

MA

42 USC 1386(K)

Social Security Act, Section 1912

42 CFR 433.146, .147

MCL 400.106

FAP

7 USC 2015(I)

Mich Admin Code, R 400.3007, .3009, .3010