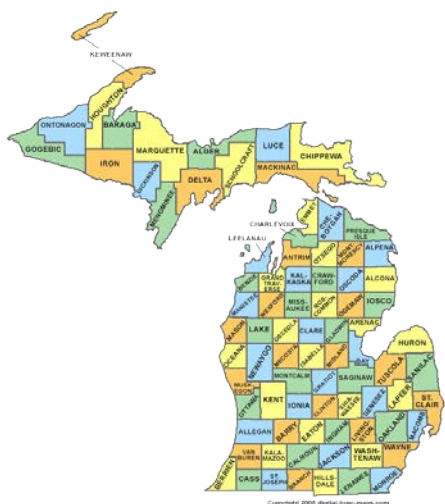




- 83 counties
- 1 IV-D Tribal Nation (KBIC)
- 12 federally-recognized Tribal Nations
- Combined state and county administered program
- Uses judicial and administrative processes in support cases
- 746,957 IV-D cases
 - Wayne County (Detroit) = 24% of the caseload
 - Intergovernmental Cases: 43,156 (5.7% of caseload)
 - Initiating Cases: 26,326
 - Responding Cases: ,16,830
 - Wayne County = 9,705 cases (22.4 % of the state's intergovernmental caseload)

IV-D Agency: Office of Child Support (OCS) Responsibilities

- Administration and Policy
 - Administering federal child support program funds.
 - Michigan Child Support Enforcement System (MiCSES) development and maintenance.
 - Creation of statewide policy to implement Federal Regulations
 - Management and Ownership of Intergovernmental Central Registry
- OCS Support Specialists
 - Handles case initiation.
 - Assists with parental Locate requests.
 - Refers Paternity and Child Support Establishment actions to county Prosecutor's Offices.
 - May request a review and modification of existing child support order and/or enforcement from Friend of the Court Offices.

Michigan Central Registry
Jennifer Reed
517-284-8841

MDHHS-ICRregister@michigan.gov

Prosecutor's Office Responsibilities

- Statutorily mandated to establish paternity and support for children via court action.
- Assist in parental locate efforts.
- May assist with out-of-state order registration (county-specific)

Friend of the Court Responsibilities

- Branch of the family division of the circuit court, managed by Chief Judge of county's Circuit Court
- Furnishes the court with recommendations related to custody, parenting time, and support.
- Enforces custody, parenting time, and support orders.
- Investigates/evaluates disputes involving custody, parenting time, child support, and change of domicile.

Michigan Supreme Court State Court Administrative Office, Friend of the Court Bureau Responsibilities

- Establish and implement parenting time and custody policy and guidelines
- Develop the Michigan Child Support Formula
- Develop forms for litigants to use to change child support, custody, parenting time, domicile/residence, etc.
- Develop standard procedures on court case administration for FOC offices.

Attorney General Child Support Division Responsibilities

- Felony non-support cases- focus on those with a history of non-payment and have arrearages of at least \$10,000.
- The division focuses on those parents who have the ability to pay their court ordered obligation but fail to do so.

**Age of Majority**

- 18, but can extend to the child's 19 1/2 birthday if all apply:
 - child is regularly attending high school on a full-time basis
 - with a reasonable expectation of completing sufficient credits to graduate from high school
 - while residing full-time with the support recipient
 - in no case (absent agreement) beyond the child reaching 19 years and 6 months of age

Statute of Limitations

- Collection of past due child support: 10 years after last obligation due, and affirmative defense
- Paternity establishment: before child's 18th birthday

Support Details

- Support orders are stated in a monthly amount, due on the first day of the month.
- When an order takes effect on a day other than the first day of a month, or ends on a day other than the last day of the month, the support amount is usually prorated for the partial month.
- Support is past due if it is not paid by the last day of the month in which it became due.
- Child support calculated by modified income shares model.
- Due to the shared economic responsibility or the current number of overnights the non-custodial parent has the child(ren) versus the amount of overnights the custodial parent currently has the child(ren), the custodial parent is sometimes ordered to pay child support to the non-custodial parent.
- Michigan does not charge interest on arrears or retroactive support, but will collect past-charged surcharge amounts and current surcharge *only* if ordered by court.
- Michigan collects service fees as authorized, when ordered by the court, and authorized processing fees.
- Under the Michigan Child Support Formula (MCSF), there is no minimum child support amount required - \$0.00 orders are acceptable.

Paternity

- Michigan addresses custody and visitation when paternity order entered per county guidelines or if specified in court order
 - Disclaimer placed in order that states the prosecutor's office does not represent either party.
 - Michigan does not address custody and parenting time in a *responding* paternity and/or child support action.
- Paternity establishment can be completed by four methods: marriage presumption, filing a *Voluntary Acknowledgment of Paternity*, by court order, or having paternity established an abuse and neglect case.
- Effective in 2011, the Revocation of Paternity Act provides specific types of actions in which some sort of revocation of paternity may occur.
- IV-D Sponsored genetic testing is only available in cases where there is no legal father yet established.

Support Order Establishment

- Michigan uses a judicial process to establish support obligations.
- Intergovernmental registration requests are handled by the FOC in the obligor's county of residence
- Michigan will establish a custody and parenting time if creating a new order.

TANF/Medicaid/Food Assistance

- Referrals are made to the child support agency when a parent receives any form of public assistance benefits and at least one parent is absent from the home.
- Referrals can be made for the establishment of paternity and/or child support orders.
- If there is an existing child support order, the child support will be redirected to the state.

**Commonly-Used Support Enforcement Tools**

- State tax refunds: State tax refunds can be intercepted once arrears reach \$150.
- Liens: can be collected when past due support is greater than 2x the monthly support obligation
 - Involves both administrative and judicial processes
 - Real and personal property are subject to judicial seizure
 - Financial assets and insurance claims are subject to administrative seizure
- Show cause (contempt of court- civil): Used after all other means have been exhausted to encourage a payer to remit their support.
- Credit Reporting: If the arrearage reaches two or more months' worth, the FOC will notify the obligor that they have been reported to a consumer reporting agency. The payer has 21 days to either pay the arrearage in full or request a review. If the arrearage is not paid in full within 21 days or a review request has been denied, the OCS will report the arrearage to a consumer reporting agency.
- License suspension: The court can suspend professional, sporting, recreational, and driver's licenses if the payer has a support arrearage of two or more months.
- Felony non-support: In Michigan, failure to pay child support can be a felony. The payee can contact the local prosecuting attorney's office or the Michigan Attorney General to pursue felony charges.

Modification and Review/Adjustment

- Parties are entitled to a review every 36 months, but FOC can review more frequently if a parent requests a review and offers evidence that there has been a change in circumstances (a change of fact that has affected either party, or the child, and that is so significant that the previously-ordered support amount is no longer fair).
- Modification Initiation:
 - Party filed motion for modification: A parent who experiences a significant change in financial circumstances may file a motion before the court to modify support. The party will have to pay the motion and filing fees.
 - Party can request the FOC to review the order if a "minimum threshold" has been met by the parties. If the difference between the current support amount and the proposed support amount is 10% or \$50.00 (monthly), whichever is less, the FOC will petition the court for a change without cost to the requesting party.
- Retroactive Modification of Support
 - Once child support is ordered, a later increase or decrease in the support amount generally cannot apply to any time period before the motion for a change was filed.
 - Exception: a court may modify support retroactively if a party has intentionally failed to report an income change to the FOC or has misrepresented the party's income.

Incarcerated Parents

- Michigan abates child support payments for incarcerated individuals who will be incarcerated for more than 180 days and does not have a reasonable ability to pay child support, effective on the 181'st day.
- Within 30 days after receiving information that the recipient of support or payer is incarcerated or released from incarceration, the FOC will initiate a support review.
- A support payment due under a modified support order after incarceration will not be due until after the 90th day of release.



Medical Support

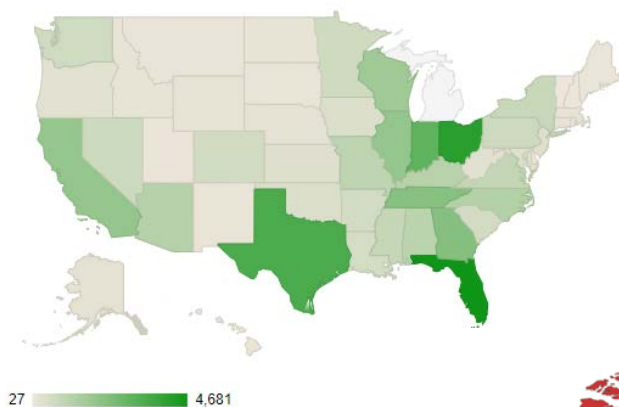
- Medical Support is addressed in all child support orders. One or both parents may be responsible for providing health care coverage for the children.
- Support order requires each parent to pay a percentage of uninsured health care expenses. The FOC can assist in collecting the payments required by the court's order if the costs exceeds the limits set in the support order and the parent has requested payment from the other parent within 28 days of receiving an insurance bill.
- Ordinary Medical Support is a part of the MCSF, requiring the payer to pay an amount in addition to their base support amount to cover ordinary medical needs (Band-Aids, cough syrup, Tylenol, etc.).

Change in Payee

- Statute allows for the redirection of child support to the person who is providing the actual care, support, and maintenance of the child (foster care, third party custodians).
- There does *not* need to be a legal change (court order) in custody for the court to order the redirection of support.
- The child support order "follows the child;" a new IV-D case is not needed when support is being redirected to the other parent or to a third-party.

Intergovernmental Case Processing Nuances

- Michigan counties do not require a different financial affidavit to be completed beyond the general testimony; it is very important for the custodial parent's financial information to accurate and inclusive.
- Please attach pay stubs, day care verifications from day care providers, mandatory deductions from their income, and any other income documents.
- In initiating cases where a state enters a temporary order, it will be likely that the state will be working with both the FOC and the Prosecuting Attorney's Office in the relevant county; the prosecutor's office will still pursue the final court order and the FOC will enforce the temporary order.



Largest State Partners

Florida (4457 cases)
Texas (3521 cases)
Ohio (3996 cases)
Indiana (2872 cases)
Illinois (1807 cases)

Largest International Partners

Canada
Mexico
Germany
UK
Australia

