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

Publication/ Revision Date: July 1, 2022	Chapter Number: 2.0	Chapter Title: Case Initiation
	Section Number: 2.20	Section Title: Court Action Referrals (CARs)

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1. Introduction and Federal Requirements

A court action referral (CAR) is a request from a support specialist (SS)[1] to:

- The Prosecuting Attorney (PA) to establish a court order for paternity and/or family support;[2] or
- The FOC asking for modification and/or enforcement of an existing order.[3]

The SS transmits referrals for establishment services using the electronic CAR process through the Michigan Child Support Enforcement System (MiCSES).[4]

Case initiation and CARs must be started within specific timeframes set by federal regulations. 45 Code of Federal Regulations (CFR) 303.4 states:

> For all cases referred to the IV-D agency or applying under Sec. 302.33 of this chapter, the IV-D agency must:

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[1] This includes Interstate Central Registry and Office of Child Support (OCS) Central Operations SS workers.
[2] In some counties, the Friend of the Court (FOC) performs this function.
[3] In some counties, the PA will modify an existing order.
[4] A CAR workgroup was formed to develop best practices related to reducing CAR rejections. These best practices are published in the CAR Processing Job Aid on mi-support.

a) When necessary, establish paternity pursuant to the standards of Sec. 303.5.

b) Utilize appropriate State statutes and legal processes in establishing the support obligation pursuant to Sec. 302.50 of this chapter.

c) Periodically review and adjust child support orders, as appropriate, in accordance with Sec. 303.8.

d) Within 90 calendar days of locating the alleged father or noncustodial parent, regardless of whether paternity has been established, establish an order for support or complete service of process necessary to commence proceedings to establish a support order and, if necessary, paternity (or document unsuccessful attempts to serve process, in accordance with the State's guidelines defining diligent efforts under Sec. 303.3(c)).[5]

e) If the court or administrative authority dismisses a petition for a support order without prejudice, the IV-D agency must, at the time of dismissal, examine the reasons for dismissal and determine when it would be appropriate to seek an order in the future, and seek a support order at that time.

f) Seek a support order based on voluntary acknowledgment in accordance with Sec. 302.70(a)(5)(vii).

2. SS Responsibilities for CARs

2.1 IV-D Case Establishment

In Michigan, the Department of Health and Human Services (MDHHS) administers public assistance programs[6] and is responsible for providing referrals to OCS for the purpose of establishing paternity and securing child support for families who receive public assistance. Families not receiving public assistance benefits may receive IV-D services by completing the *IV-D Child Support Services Application/Referral* (DHS-1201, OCS1201, or e1201[7]) or the *Application for IV-D Child Support Services for Privately Filed Domestic Relations Cases Only* (DHS-1201D).[8] Federal regulations[9] require that within 20 calendar days of receipt of an application or referral for IV-D services, the IV-D agency must do the following:

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[5] Service of process (SOP) is the formal delivery of a writ, summons, or other legal process. Ref: Section 4.15, "Service of Process (SOP)," of the *Michigan IV-D Child Support Manual* for more information about SOP requirements.

[6] Family Independence Program (FIP), Medicaid, Food Assistance Program (FAP), and Child Development and Care (CDC)

[7] The DHS-1201 is available on the OCS website, the OCS1201 is a MiCSES form, and the e1201 is an online, electronic version of the DHS-1201 available on the MiChildSupport Portal.

[8] Ref: Section 2.05, "Referrals and Applications," of the *Michigan IV-D Child Support Manual* for more information on applying for IV-D services.

[9] Ref: 45 CFR 303.2(b).

- Establish a case record;
- Solicit necessary and relevant information from the custodial party (CP) and other sources;[10] and
- Initiate the verification of information, if appropriate.

2.2 Putative Father (PF)/Non-Custodial Parent (NCP) Locate

The SS must determine the reliability of the address of a PF/NCP when the CP reports the address. The SS will attempt to verify the PF's/NCP's address by obtaining enough information from the CP to determine if the address is valid. The SS must document this verification process using a system note (on the MiCSES *Notes Processor* [NOTE] screen). If the SS determines the CP's information to be satisfactory, then verification of the PF's/NCP's address is complete.

In the event that the SS is uncertain that the PF's/NCP's address is valid, the SS will use available locate resources (e.g., Data Warehouse, Secretary of State, and the Parent Locator Service) to verify the address.

When a verified address for the PF/NCP is determined, the SS will transmit a CAR to the PA or FOC[11] as appropriate to establish paternity, or to establish or enforce the support order through MiCSES.

2.3 CAR Timeframes

Service of process (SOP)[12] and establishment timeframes begin with the date of location of the PF or the NCP.

The SS must initiate referrals (CARs) for paternity establishment:

- Within seven calendar days of determining the location of the PF;[13] or
- Within 20 calendar days of determining the location of the PF when an unsuccessful attempt is made to secure an *Affidavit of Parentage*.

The SS must initiate referrals (CARs) for order establishment within seven calendar days of determining the location of the NCP and obtaining information that a legal parent exists.

2.4 CAR Generation

2.4.1 Identifying the Proper CAR County

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[10] Ref: Subsection 2.4.5, "Information and Actions Required to Generate a CAR," of this manual section.
[11] In some counties, the FOC has supervisory authority over staff who perform paternity and court order establishment.
[12] Ref: Section 4.15 of the *Michigan IV-D Child Support Manual* for more information about SOP.
[13] For more information, reference Section 3.05, "Locate," of the *Michigan IV-D Child Support Manual*.

The SS generates CARs to the:

- PA for court order establishment of paternity and support;[14] or
- FOC for modification and enforcement of an existing order.[15]

Note: When an SS learns of a privately filed divorce with minor children, (s)he will send a referral to the FOC in the county in which the divorce is pending. The SS will follow the procedures in Subsection 2.4.4(D) of this manual section.

The SS will generate the CAR to the CP's county of residence unless the *Case Member Details* (CASE) screen identifies the IV-D case as an agency placement. If the IV-D case is agency placement[16] and there is no existing court order for support, the SS will generate the CAR to the county that has the court order placing the child in foster care.

If the case is foster care and a court order for support exists, the SS will generate the CAR to the county that enforces the order to request a payee change to the county MDHHS foster care agency/State of Michigan.[17]

2.4.2 Intergovernmental (Interstate) Referrals (CARs)

To fulfill the requirements of the federal regulations, states have adopted the Uniform Interstate Family Support Act (UIFSA).[18] UIFSA is a comprehensive act providing a framework for interstate paternity and support establishment and the enforcement and modification of child support obligations.

When no child support order exists, the SS refers the interstate case to the PA for establishment using one of the UIFSA Referral Case Types.[19]

A. When Michigan is the initiating state, the PA prepares and sends the standard interstate forms package to the Interstate Central Registry in the responding state. The tribunal in the responding state will establish an order for support, if appropriate, under the laws of that state.

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[14] In some counties, the FOC performs this function.
[15] In some counties, the PA will modify an existing order.
[16] Ref: IV-D Memorandum 2019-016, *Changes to County-Funded Agency Placement Referrals*.
[17] Ref: *MiCSES Quick Reference Guide: CPRO – Processing Referrals*.
[18] Michigan Compiled Law (MCL) 552.1101–552.1901, Uniform Interstate Family Support Act
[19] Ref: Subsection 2.4.3, "Identifying the CAR Case Type," in this manual section.

B. When Michigan is the responding state, the Interstate Central Registry receives the request for establishment of an order. The request is forwarded to the PA. The PA proceeds with the establishment of an order under appropriate state statute and IV-D requirements.

2.4.3 Identifying the CAR Case Type

When the SS generates a CAR, the SS must identify the appropriate State Court Administrative Office (SCAO) case-type code.[20] Assignment of the case-type code is based on the principal subject matter of the action.

For family division cases filed as domestic relations proceedings, the following case types can be used:

A. **Paternity (DP)** – Includes all questions of paternity; paternity and custody; or paternity, custody, and support. It is also used for intrastate transfers of post-judgment paternity; paternity and custody; or paternity, custody, and support complaints.

B. **Other Support (DS)** – Includes all support matters under the Family Support Act. It is also used for intrastate transfers of post-judgment support matters under the Family Support Act.

C. **Other Domestic Relations Matters (DZ)** – All other pre-judgment matters involving domestic relations proceedings not otherwise coded. Also used for intrastate transfers of other post-judgment matters involving domestic relations proceedings not otherwise coded.

D. **Assist with Discovery (UD)** – Includes all proceedings to assist with discovery or to compel a response to a discovery order issued by another state's tribunal.

E. **UIFSA Establishment (UE)** – Includes all support and paternity establishment proceedings incoming from another state.

F. **UIFSA Filing (UF)** – Includes all outgoing requests to another state or country initiating enforcement, modification, income withholding, or redirection of support orders not issued in this state.

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[20] Ref: Michigan Court Rule (MCR) 8.117. A case-type code is one of the two-letter sequences specified in the SCAO publication *Michigan Trial Court Records Management Standards.* One case-type code must be assigned to each case.

G. **UIFSA Initiation (UI)** – Includes all support and paternity establishment proceedings outgoing to another state.

H. **Registration of Orders for Modification (UM)** – Includes all incoming registrations of another state's orders for the specific purpose of modification.

I. **Registration of Orders for Enforcement (UN)** – Includes all incoming registrations of another state's orders for the specific purpose of enforcement.

J. **Transfer UIFSA (UT) –** Includes all intrastate transfers of post-judgment support enforcement proceedings incoming from another state or outgoing to another state.

K. **Registration of Income Withholding Orders (UW)** – Includes all incoming registrations of another state's orders for the specific purpose of income withholding.

The PA may decide that the case action required for the CAR is different from the recommendation of the SS. The PA has the authority to adjust the case action to the appropriate case-type code when necessary.

2.4.4 Generating CARs in Some Unique Situations

When generating a CAR, the SS must look at the case circumstances and determine the case type.[21] The SS will:

A. Initiate a DP CAR for the following situations:

   1. One child/one PF – The SS will send a CAR to the appropriate PA or FOC.

   2. One child/multiple PFs – The SS will send a CAR to the PA or FOC on the most-likely PF or the first-located PF. If the PF is excluded by genetic testing, the SS will send a CAR on the next most-likely PF or the next-located PF.

      If the CP states there are multiple PFs, the SS will record this information in IV-D case notes in MiCSES. PA or FOC staff will review all IV-D case notes made by the SS upon receipt of a CAR.

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[21] Ref: Subsection 2.4.3 in this manual section.

3. Multiple children (individual births)/one PF – The SS will send (simultaneously) one CAR per child to the PA or FOC.

   Note: Some PAs or FOCs request one DP CAR for all children between a CP and PF.

4. Multiple children (individual births)/multiple PFs – The SS will send one CAR per child to the PA or FOC on the most-likely PF or the first-located PF. If the PF is excluded by genetic testing, the SS will send a CAR on the next most-likely PF or the next-located PF.

   Note: Some PAs or FOCs request simultaneous DS CARs when there is a husband. Some PAs or FOCs request DP CARs when there is a PF and the husband of the CP is allegedly not the biological father. SSs must not make simultaneous DP and DS referrals in these situations. (Ref: Subsection C below for information on how to handle these situations.)

5. Multiple-child births (multiple children per birth such as twins or triplets)/one alleged PF – The SS will send one CAR to the appropriate PA or FOC.

6. Multiple-child births (multiple children per birth such as twins or triplets)/multiple PFs – The SS will send one CAR to the PA or FOC on the most-likely PF or the first-located PF. If the PF is excluded by genetic testing, the SS will send a CAR on the next most-likely PF or the next-located PF.

   Note: Sending CARs in this manner will minimize genetic testing costs for the IV-D program. Additionally, when there is more than one named PF for a child and a CAR is submitted for each PF simultaneously, it results in multiple IV-D cases without support orders, which negatively affects the support order percentage and incentives. Therefore, it is recommended that one CAR be submitted at a time.

B. Initiate one DS CAR for all children having the same CP and NCP.[22]

   Note: In cases where the PA or FOC seeks to find more than one person simultaneously responsible for support (e.g., mother and father supporting a child staying with a grandparent),

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[22] While there may be multiple IV-D cases, the rules for consolidation of multiple cases apply. Ref: State Supreme Court SCAO Memorandum dated September 4, 2008, *Amendments of Michigan Court Rules MCR 3.204 (Proceedings Affecting Minors); and MCR 3.212 (Postjudgment Transfer of Domestic Relations Cases)*.

MiCSES will accommodate multiple defendants, but they must be on separate IV-D cases.

C. Initiate a DS CAR when the CP alleges her husband is not the biological father.[23]

Once the court excludes the husband, a DP referral is needed to establish paternity for the alleged biological father. To complete this process, the PA will exclude the husband on the *Legal Processor* (LPRO) screen.

The exclusion of the husband on the LPRO screen will send a Review CAR (REVCA) alert to SS staff. If the PA needs to further communicate with SS staff, (s)he may call the Interactive Voice Response (IVR) system as a partner and ask to speak to a lead worker.[24]

OCS Case Management staff will immediately generate a DP referral for the alleged biological father. The required forms will immediately be available in MiCSES for the PA to print and have the CP sign. However, the DP CAR will not be available for the PA until the overnight batch process runs.[25]

Note: Some PAs request simultaneous DP and DS CARs from SSs when the husband of the CP is allegedly not the biological father. By receiving both referrals simultaneously, the PA is able to have the CP immediately sign the complaint if the CP is available when the exclusion against the husband is received from the court. However, the SS must not create simultaneous DS and DP referrals for the following reasons:

- The husband is the legal father until he is excluded by the court;
- Records must not be falsified in MiCSES;[26] and
- Location activities must not begin on the PF until the court excludes the legal father. The postponement of location

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[23] If the mother is married, the husband is the presumed legal father of the child until the court excludes the husband as the biological father. According to MCL 333.2824(1), "The name of the husband at the time of conception or, if none, the husband at birth shall be registered as the father of the child."
[24] Ref: IV-D Memorandum 2013-025, *OCS Case Management Section Business Process Changes, Upcoming New Interactive Voice Response (IVR) System, Revised Contact Information, and Form Updates* for more information about using the IVR.
[25] The status of the CAR will change from "S" (Sent to Prosecuting Agent) to "A" (Accepted – Complaint Pending) after the overnight batch runs.
[26] For this to happen, the SS must knowingly enter incorrect information into MiCSES to denote the child as being born in wedlock *and* out of wedlock.

activities may cause the PA not to meet the 90-day federal timeframe to process the DP referral.

D. Initiate an "Other Type" (OT) referral when the CP has a private divorce case with minor children in progress

The SS can use an OT referral to alert the FOC that a IV-D case with a pending divorce action exists, entitling a parent to full IV-D services (location of parents and assets, establishment of child and medical support orders, and enforcement of child and medical support obligations). An OT referral to the FOC will not assign a CAR number to the case or create any activity on the PA legal screens (LPRO, *Legal Case* [LCSE], *Service of Process* [LSOP], etc.).[27]

When an SS learns of a divorce with minor children pending between a CP and NCP, (s)he will:

1. Review MiCSES[28] and the Judicial Data Warehouse (JDW)[29] to identify and/or further confirm the status of the divorce action and locate the county handling the divorce action in order to send the referral;
2. Use the CPRO screen to send an OT referral with a reason code of "Other" to the FOC;
3. Send a memo by email or fax to the FOC to alert them:

   • That the referral was made;
   • The reason the referral was made;
   • That IV-D services are needed; and
   • A pending divorce action exists.

MiCSES will transfer the IV-D case from the SS functional area to the FOC and generate an alert to the primary FOC caseworker. Once alerted about the OT referral, the FOC will determine the best course of action given the likelihood of a timely child support order.[30]

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[27] Ref: Subsection 3.3, "FOC Responsibility for Pending Privately Filed Divorce - OT Referrals," of this manual section for additional information.
[28] SSs may find information in the case notes indicating the FOC created the case in response to a divorce action.
[29] SSs may need to review the JDW because not all divorce actions are visible in MiCSES (e.g., the parties may have opted out of FOC services).
[30] Subsection 3.3 of this manual section for information on the actions the FOC may take with an OT referral.

2.4.5   Information and Actions Required to Generate a CAR

A. At a minimum, the SS will enter the following information[31] into MiCSES when generating CARs to the PA or FOC:[32]

1. The following information must be entered for the NCP:[33]

a. Name (first and last);[34]
b. Verified residential or mailing address, or a verified employer name and address;[35] and
c. Height, weight, hair color, eye color, gender, and race or ethnic code.

2. The following information must be entered for the CP:

a. Name (first and last);
b. Verified residential or mailing address; and
c. Marriage information of the parents of the child.

3. The following information must be entered for the children:

a. Name (first and last);
b. Date of birth;
c. Relationship to the CP and NCP;
d. Birth expense information;[36] and
e. Conception and paternity/born out of wedlock (BOW) information.

Note: Even though MiCSES does not require marriage and paternity/BOW information, the SS must complete this information when generating a CAR. A CAR sent for paternity action requires PA or FOC staff to update paternity/BOW information once paternity is established.

B. The SS must review and resolve member exceptions.

When Bridges refers families for IV-D services through the automated two-way interface with MiCSES, Bridges individuals in those families may not match conclusively to existing MiCSES individuals. These

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[31] These data elements are also known as the "skinny six."

[32] Ref: *MiCSES Quick Reference Guide: CPRO – Processing Referrals.*

[33] The NCP's Social Security number (SSN) and date of birth are not required but must be entered if known.

[34] The middle name for the NCP, CP and child is not required, but must be entered if known.

[35] Ref: Section 3.15, "Addresses," of the *Michigan IV-D Child Support Manual.*

[36] Ref: Section 4.25, "Birth Expenses," of the *Michigan IV-D Child Support Manual*.

near-matches are termed "member exceptions" and require manual intervention.

The SS must resolve member exceptions before generating a CAR.[37] A member exception may inhibit appropriate case action, including the assignment of support, until it is resolved on the *Resolve Referral* (RESR) screen in MiCSES.

2.4.6 Required Documentation for Generation of a CAR

The SS must enter pertinent information using system notes. The SS does not maintain paper files[38] such as divorce orders, guardianship orders, marriage licenses, birth certificates, *Affidavits of Parentage*, arrears history, etc. Therefore, the SS is not required to provide paper documentation to PA and FOC staff. PA and FOC staff cannot reject a CAR because the SS failed to provide paper documentation. However, if the SS receives paper documentation from a case participant, the SS will forward that paper documentation to a PA or FOC office.

Pursuant to UIFSA guidelines, an SS will attempt to obtain a certified copy of an out-of-state order after generating a referral to a PA or FOC office. The SS will send the *Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery* to the responding state, requesting the responding state send a certified copy of an order directly to a PA or FOC office.[39] If the responding state does not comply with the request within 30 days, it is the responsibility of PA or FOC staff to pursue any additional request(s) for a certified copy of an order.

The DHS-1201/OCS1201/e1201 requests that case participants provide copies of court orders and/or health insurance cards pertaining to the family members listed on the application. Copies do not need to be certified. The SS will forward any documents provided by a case participant to a PA or FOC office.

Note: The SS must inform case participants that they need to provide copies of legal documents as requested by PA or FOC staff when appearing for a scheduled appointment.

2.4.7 System Override for Generation of a CAR

Some cases may not have all the minimum required information necessary to initiate a CAR (e.g., a foster parent or third-party custodian

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[37] Ref: *MiCSES Quick Reference Guide: RESR – Resolve a Member Match Exception*.
[38] OCS retains electronic copies of paper DHS-1201/OCS1201/e1201 forms for an indefinite period.
[39] Once a CAR is generated, MiCSES will enter the name of the assigned worker at the PA or FOC office in the *PR Worker ID* field on the CASE screen.

does not know the NCP's eye or hair color). When the minimum information requirements are not met, an error message will appear. As a result, MiCSES will not allow the CAR to be completed. When this happens, the SS must consult his/her manager.

2.4.8 Changes on CARs

Once MiCSES sends the CAR, the SS must report changes in case circumstances to the PA or FOC by email or telephone.

Note: If a case participant claims good cause for not pursuing paternity/support action to a PA or FOC worker, the worker will update MiCSES with "good cause claim pending" on the CASE screen. MiCSES will then trigger informational alerts when the case is a public assistance case and there is an open activity chain. MiCSES will transmit the information about a good cause pending request to Bridges.[40]

2.5 CAR Rejection and Alerts to the SS

2.5.1 CARs Closed Due to Rejection

The REVCA alert with a CAR status code of "R" (Rejected Referral) generated through the PA or FOC workflow process on the LPRO screen informs the SS of CARs closed due to rejection. Specific reasons for the rejection will not show in the alert to the SS (e.g., parents reconciled). PA or FOC staff must enter a CAR note detailing the specific rejection reason.

2.5.2 Monitoring CAR Progress

PA or FOC staff use the CAR status codes to monitor CAR progress on support order establishment. The CAR status codes provide the current status of the referral and the action taken by the IV-D agency and include:

- Acceptance of referrals and confirmation of the initiation of legal action (e.g., filing of a complaint or petition);
- Rejection of referrals and the reason for the rejection; and
- Results of actions to establish paternity or a support order (e.g., entry or registration of an order, execution of an *Affidavit of Parentage*, or dismissals with or without prejudice and the reason for the dismissal).

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[40] Ref: Section 2.15, "Cooperation/Noncooperation/Good Cause," in the *Michigan IV-D Child Support Manual.*

In some instances, when no current action is possible,[41] PA or FOC staff will notify the SS via the NOTE screen of the projected date or circumstances under which support action can resume on a rejected CAR resulting from a complaint dismissed without prejudice.[42] When a court action is dismissed *with prejudice*, the case is dismissed for a good reason and the plaintiff is barred from bringing an action on the same claim. Dismissal *without prejudice* is a dismissal that allows for refiling of the case in the future.

The SS will initiate follow-up action or case closure procedures as appropriate. In most instances, PA or FOC staff may also take action to close both the CAR and the IV-D case.[43]

2.5.3 Review of Rejected CARs

The SS must review all rejected CARs, including those in which the court dismisses a petition for a support order without prejudice, and must inform his/her manager when it appears that a CAR was improperly rejected (appropriate CAR rejection reasons are found in Subsection 3.4.2 in this manual section).

Note: Rejection of a CAR based on noncooperation is not appropriate. If the PA determines the CP is not in compliance with the cooperation requirements, the CAR will remain in the PA functional area until the CP complies[44] or until the case meets the criteria for case closure.

3. PA and FOC Responsibilities for CARs

When processing CARs, PA or FOC staff must do the following:

- Establish support obligations or complete SOP[45] necessary to commence proceedings within 90 calendar days of locating[46] an NCP;
- Document on the LSOP screen a minimum of three unsuccessful SOP attempts if SOP is not completed within the 90-calendar-day timeframe; and
- Meet expedited process standards by establishing a support obligation within six months after completion of SOP in at least 75 percent of the cases and within 12 months in 90 percent of the cases.[47]

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[41] For example, the NCP is currently in the county jail or in a substance abuse treatment center.
[42] Ref: 45 CFR 303.4(e).
[43] Ref: Section 3.50, "Case Closure," of the *Michigan IV-D Child Support Manual* for more information about closing IV-D cases.
[44] Ref: Section 2.15 of the *Michigan IV-D Child Support Manual.*
[45] Ref: Section 4.15 of the *Michigan IV-D Child Support Manual* for more information about SOP.
[46] Ref: 45 CFR 303.3.
[47] Ref: 45 CFR 303.101(b)(2)(i)(A)(B).

Note: When disposition[48] is obtained using long-arm jurisdiction[49] and disposition occurs within 12 months, the case can be counted as being established within six months.[50]

3.1 CAR Processing Guidelines

PA or FOC staff must continue to process a CAR even if:

- The NCP's SSN or child's birthplace is missing;
- MiCSES does not automatically populate all screens with the case information;
- The CP's mail is returned (PA or FOC staff must check the address in MiCSES and initiate locate action if needed);[51]
- The CP is mentally disabled and needs assistance (PA or FOC staff must request that the CP's legal guardian assist in the process);
- The NCP becomes not located after receipt of the CAR (PA or FOC staff must check the address in MiCSES and initiate locate action); or
- The cooperation requirement for the CP has been waived with a "good cause, continue action" determination (however, the CP must not be required to participate in any of the action).[52]

3.2 Specific CAR Scenarios

When a PA worker is working a case, (s)he may learn that case conditions have changed since the SS sent the CAR to the PA. In this instance, the PA is required to take action other than just establishing a case.

3.2.1 Child(ren) Not in the Same Home

While processing the CAR, the PA worker may learn that the child(ren) is no longer in the same home that (s)he was in when the case was referred to the child support program from Bridges. In this situation, the PA worker must manually close the IV-D case using the reason code "PG – Child Does Not Reside With or Under Supervision of the CP."

3.2.2 CP Reconciles With the NCP

While processing the CAR, the PA worker may learn that the CP and the NCP have reconciled. For a CP and NCP to be considered "reconciled,"

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[48] Disposition is the court's decision as to what should be done about a dispute that has been brought to its attention.
[49] MCL 552.1201; long-arm jurisdiction is a legal provision that permits one state to claim personal jurisdiction over someone who lives in another state, territory, or tribe.
[50] Ref: 45 CFR 303.101(b)(2)(iii).
[51] Ref: Section 3.15 of the *Michigan IV-D Child Support Manual* for more information. It is possible that the CP has moved since SS staff generated the CAR.
[52] Ref: Section 2.15 of the *Michigan IV-D Child Support Manual.*

at a minimum, they must live together and both must contribute appropriately to household income and expenses.

If the CP is **not** receiving public assistance, IV-D staff cannot close the IV-D case under the assumption that the applicant no longer wants services. IV-D staff must proceed with the request for IV-D services until staff determine with confidence or certainty that the parent no longer desires those services (e.g., applicant requests case closure).

If the CP **is** receiving public assistance, the PA should instruct the CP to notify his/her MDHHS family independence specialist (FIS)/eligibility specialist (ES) of the reconciliation. In addition, the PA worker will contact the FIS/ES worker to ensure that (s)he is aware of the potential reconciliation. Because assistance benefits continue to be paid to the household until the FIS/ES worker confirms the "absent" parent has returned to the home, the PA worker will proceed with the case until the assistance case closes. (Ref: Section 3.50 of the *Michigan IV-D Child Support Manual* for the case closure reason codes to use when parties reconcile.)

3.2.3 Good Cause Determination

When the CP has claimed good cause, the FIS/ES worker will make a determination of the good cause claim and transmit it to MiCSES through the MiCSES/Bridges interface.[53]

When good cause has been granted with "continue action," the PA worker may continue working the case, but must do so without contacting the CP. When good cause has been granted with "end action," MiCSES will automatically close the IV-D case with the "GG – Good Cause Approved" reason code. The PA worker will not need to take any action. If a good cause claim has been denied, the PA worker must continue to process the CAR.

3.2.4 The NCP Is Incarcerated

When the NCP is incarcerated, and the case is a DP case, the PA worker must establish paternity. The PA worker must also determine if the NCP is incarcerated for life. If the NCP is not incarcerated for life, the PA worker should establish a zero support order. If the case is a DS case, the PA worker is encouraged to establish a support order, if possible.[54]

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[53] In limited circumstances, the SS may make the good cause determination. Ref: Section 2.15 of the *Michigan IV-D Child Support Manual* for more information.
[54] OCS is currently working on determining the best course of action for DS cases. OCS will publish policy regarding this situation in the future.

When the NCP is incarcerated for life, the PA must establish paternity if necessary. If there is a date in the *Release Date* field on the NCP's *Member Demographics* (DEMO) screen that is beyond the child's emancipation date, MiCSES will automatically close the case with the "XJ – NCP Incarcerated" reason code.

3.3 FOC Responsibility for Pending Privately Filed Divorce – OT Referrals

3.3.1 Receipt of an OT Referral

Upon receipt of an OT referral, FOC staff will review it and take one of the following actions as they deem appropriate:

A. Once the defendant has been served, the FOC may request a temporary order pursuant to MCL 552.15(1), which allows FOCs to move the court to enter an order concerning support during the pendency of a divorce action;[55] or

B. Allow the divorce to proceed without intervention if the FOC finds it inappropriate to intervene. After the divorce has reached a final judgment and support order, the FOC may link the order to the IV-D case in MiCSES and start providing IV-D services.

3.3.2 Pending Divorce Action Dismissed Before Order Entry

If the pending divorce action is dismissed prior to the entry of an order, FOC staff may take one of the following actions depending on the case situation:

A. Transfer the IV-D case to the PA for an "Other Support" (DS) action when the parties have not reconciled, and IV-D services are required due to active public assistance or the CP wishes to continue with IV-D services; or

B. Close the IV-D case using the appropriate reason code[56] if either of the following exist:

1. The case is active public assistance and IV-D services cannot be provided (e.g., paternity for all children has been established, and the parties are residing together as an intact family); or

2. The case is not active public assistance and the CP requests case closure, has not responded to requests about continuing IV-D services, or is uncooperative after attempts to engage him/her.

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[55] After the court issues the docket number, the FOC may link it to the IV-D case and link the support order in MiCSES.

[56] Ref: Section 3.50 of the *Michigan IV-D Child Support Manual* for more information about closing IV-D cases.

For additional discussion regarding the IV-D services needed in domestic relations cases, FOC staff will reference Section 2.05 of the *Michigan IV-D Child Support Manual*, including Exhibit 2.05E2, Questions and Answers Regarding IV-D Services for Domestic Relations Cases and Exhibit 2.05E3, Additional Questions and Answers Regarding IV-D Services for Domestic Relations Cases.

3.4 CAR Status Codes and CAR Monitoring

3.4.1 Pending or Closed CARs

PA or FOC staff can take action on a pending or closed CAR using the CAR status codes when they:

A. Update the CAR minor activities through the workflow process on the LPRO screen; or

B. Close the major activities on the LPRO screen and manually update the LCSE[57] screen to indicate the current CAR status. The CAR status may be one of the following:

  1. Pending next action – Acceptance of the CAR and confirmation of the initiation of legal action (e.g., filing of a complaint or petition, etc.); or

  2. Closed – Results of actions to establish paternity or a support order (e.g., entry or registration of an order, or dismissals with or without prejudice, etc.).

     Note: Closed CAR statuses will also include rejected CAR statuses (Ref: Exhibit 2.20E1 for more information on pending and closed CAR status codes).

3.4.2 CAR Closure Reasons and CAR Status Coding on MiCSES

A. IV-D staff may close the CAR when the request for services violates federal or state law (e.g., there is no jurisdiction under state law, or a CP seeks support from a biological father when a legal NCP already exists as a result of a marriage). The CAR must be closed using the "R" CAR status reason code through the minor activities workflow on the LPRO screen. The "R" CAR status reason code will close the CAR and send the IV-D case back as rejected to the SS with the REVCA alert when PA or FOC staff follow the normal workflow through the LPRO screen.

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[57] Ref: *MiCSES Quick Reference Guide: LCSE – View and Update Legal Case Information*.

Note: CAR closure does not automatically qualify the IV-D case for closure.

B. PA or FOC staff can close all major activities on the LPRO screen and **manually** set the CAR status on the LCSE screen to "R" or "X" (Prior Action Existed).[58] PA or FOC staff must close all major activity chains and manually set the CAR status code on the LCSE screen. PA or FOC staff may then take one of the following actions:

1. Transfer the IV-D case to the FOC and add the docket number in the *To Docket No* field on the *Case Reassignment* (CRAS) screen when there is already an established order for the children listed on the CAR (this applies to CARs with an "X" CAR status code); or

2. Set the IV-D case for closure by using the "M" (Eligible for Case Closure) case status and the proper IV-D case closure reason code on the CASE screen (this applies to CARs with an "R" CAR status code). The following are valid reasons for a PA or FOC to manually close a IV-D case:

   a. Non-Public Assistance Applicant Requests Closure – "WQ" reason code;[59]
   b. Case Merged/Opened in Error – "MZ" reason code;
   c. CP Uncooperative in Non-Public Assistance Case – "N9" reason code;
   d. NCP Incapacitated – "XI" reason code (only if paternity is established);
   e. NCP Disabled – "XD" reason code;
   f. Child Does Not Reside With or Under Supervision of the CP – "PG" reason code;
   g. NCP in Foreign Country – "WF" reason code; or
   h. NCP Incarcerated With No Chance of Parole – "XJ" reason code (only if paternity is established).

3.4.3 CAR Reports[60]

A. The *Initial CAR Evaluation Details Report* (ES-201) is used to identify cases with open CARs in need of evaluation.

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[58] Ref: the job aid Case Closure: Manual IV-D Case Closure - PA for more information.

[59] "Public assistance" in this instance refers to all assistance programs. FIP (Temporary Assistance for Needy Families [TANF]), FAP, Medicaid, and CDC programs all require establishment of a child support order when appropriate as an eligibility factor for benefits.

[60] IV-D staff can use Business Objects reports that have been developed to assist IV-D staff with monitoring the timelines of Establishment activities to meet various federally regulated timeframes. Ref: MiCSES Data Warehouse 2.20 Release Notes.

B. The *Service of Process Details Report* (ES-202) is used to identify cases with open CARs where the NCP has been located but SOP has **not** been successful.

C. The *Expedited Court Order Details Report* (ES-203) is used to identify Establishment cases that have had successful SOP, but do not have an order established.

D. The *Locate Details Report* (ES-204) identifies Establishment cases where the NCP has not been located.

3.5 CAR Transfer and Closure

IV-D policies and procedures allow for the closing[61] or transfer of CARs in certain situations.

3.5.1 Pre-filing, Post-filing but Pre-judgment, or Post-judgment

The PA or FOC must follow the policy outlined below for the closure or transfer of a CAR when it is in one of the following stages of court proceedings: pre-filing, post-filing but pre-judgment, or post-judgment.

A. Pre-filing

MCL 722.714 defines the jurisdiction for filing a paternity action. If the county office receives a CAR and the CP has moved out of that particular county, the PA must transfer the CAR[62] to the county that has jurisdiction.[63] The PA will use the CRAS screen in MiCSES to transfer the CAR to the county with jurisdiction. After transferring the CAR, the PA must close the CAR in the originating county. MiCSES will create a new CAR in the destination county and generate an action alert to the worker in the destination county.

MCL 552.451 defines the jurisdiction for filing a support action. This law states that support action can be filed in the county where either parent resides.

B. Post-filing but pre-judgment

The treatment of a case after filing but before judgment falls within the scope of MCRs 2.221 to 2.223, which describe circumstances of a motion for change of venue. Although these circumstances are not

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[61] For more information, reference Section 3.05 of the *Michigan IV-D Child Support Manual*.
[62] Ref: *MiCSES Quick Reference Guide: CRAS – Transfer a Case*.
[63] Ref: MCR 3.926.

common, the standard business practice is for the PA or FOC to retain the case until there is a judgment, unless the specific conditions defined in MCR 2.222 (regarding change of venue) exist.

C. Post-judgment

MCR 3.212 allows for the transfer of a IV-D case post-judgment. SCAO Administrative Memorandum 2007-04, *Case Transfer,* details the conditions for the transfer of a IV-D case post-judgment.

3.5.2 CP Noncooperation[64]

A. Assistance cases

When the PA IV-D worker is responsible for the determination of cooperation, the IV-D case and the CAR will remain open in the PA functional area until the PA IV-D worker determines cooperation, good cause is determined, or the IV-D case is closed.

B. Non-assistance cases

CP noncooperation may result in the closing of a CAR, and in some instances, the closing of a IV-D case when a customer **no longer receives public assistance**. In circumstances where a CP fails to cooperate, PA staff will close the CAR and close the IV-D case using the case status reason code "N9 – CP Uncooperative in Non-Public Assistance Case" on the CASE screen.[65]

3.5.3 Locating the NCP

A. If the NCP no longer lives or works at the address provided on the CAR, then the PA or FOC must undertake locate efforts.[66]

B. During the time the NCP or PF is not located, the PA or FOC must not reject the CAR and must continue locate efforts. MiCSES will qualify the IV-D case for closure:

1. With a reason code of "LX" when an NCP is not located for three years and (s)he has a known SSN **and/or** a date of birth; or

2. With a reason code of "LZ" when an NCP is not located in one year and (s)he is missing **both** an SSN and a date of birth.

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[64] Ref: Section 2.15 of the *Michigan IV-D Child Support Manual.*
[65] The applicant for IV-D services could also be an NCP. All actions could also apply to an NCP, except the SS would never place an NCP in noncooperation.
[66] For more information, reference Section 3.05 of the *Michigan IV-D Child Support Manual.*

Note: After MiCSES qualifies the IV-D case for closure, MiCSES will close the IV-D case at the end of 60 days[67] unless one of the parties requests the continuation of IV-D services.

3.5.4 Other Closure Reasons

CARs can be closed for other reasons; for example, to link children to a different CAR, to resolve duplicate CARs, or to allow PA or FOC staff to close the IV-D case, when appropriate.

3.6 Former Recipients of Public Assistance With **Pending** CARs

3.6.1 A former recipient of FIP, Medicaid, FAP and/or CDC or a CP whose child was formerly placed in foster care with a pending CAR can request closure of his/her IV-D case. Under federal regulation, to be eligible for closure, the case must meet the following criteria:

A. The non-public-assistance recipient of services requests case closure (reason code "WQ – Non-Public Assistance Applicant Requests Closure"); and

B. No arrearages have accrued under a support order,[68] including medical support assigned to the state.[69]

3.6.2 Federal or state law does not compel a PA to continue to work a IV-D case after a former recipient of FIP, Medicaid, FAP and/or CDC states that (s)he no longer wants IV-D services. A PA may continue a case at his/her discretion or at judicial instruction.

A. If a PA continues to work a pending court case to pursue state-owed birth expenses or arrears, the PA will receive IV-D reimbursement.

B. A PA must not continue to pursue current support or arrears payable to a former recipient, but must take appropriate legal steps to close the court case.[70]

Note: A judge has the final determination for closing a court case after SOP.

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[67] Ref: Section 3.50 of the *Michigan IV-D Child Support Manual* for more information.
[68] Ref: 45 CFR 303.11(8).
[69] Ref: Section 6.06, "Medical Support," of the *Michigan IV-D Child Support Manual* and 42 CFR 433.146.
[70] Ref: Section 3.50 of the *Michigan IV-D Child Support Manual* for more information.

SUPPORTING REFERENCES:

Federal
42 CFR 433.146
45 CFR 303.2 – 303.5
45 CFR 303.4
45 CFR 303.4(d)
45 CFR 303.4(e)
45 CFR 303.11(8)
45 CFR 303.101(b)(2)(iii)
45 CFR 303.101(b)(2)(i)(A)(B)
Automated Systems for Child Support
Enforcement: A Guide for States: A-1.b, A-2.e,
A-3.e, A-4.e, C.2.a, and C.2.e

State
MCL 333.2824(1)
MCL 552.15(1)
MCL 552.451
MCL 552.1101–552.1901
MCL 552.1201
MCL 722.711–722.730
MCL 722.714
MCR 2.102
MCR 2.221–2.223
MCR 3.212
MCR 3.926
MCR 8.117

SCAO Administrative Memorandum 2007-04,
Case Transfer

REVISION HISTORY:

IV-D Memorandum 2022-009
IV-D Memorandum 2015-024
IV-D Memorandum 2014-007
IV-D Memorandum 2011-019
IV-D Memorandum 2011-005
IV-D Memorandum 2010-018