



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

RICK SNYDER
GOVERNOR

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IV-D MEMORANDUM 2016-005

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: March 8, 2016

SUBJECT: Self-Assessment (SASS) Audit: Progress Report on Service of Process (SOP)

UPDATE(S):

Manual

Form(s)

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

Michigan did not meet the federal benchmark for the Establishment criterion in the Self-Assessment (SASS) audit for fiscal years (FYs) 2013 and 2014, and as a result, OCS implemented a corrective action plan per federal requirements. However, despite Michigan’s corrective actions, Michigan is at risk for not meeting the federal benchmark for the Establishment criterion in FY 2015 and FY 2016. OCS recommends that PA offices¹ assess their local office business practices for potential changes that will improve Michigan’s performance for the Establishment criterion.

DISCUSSION:

A. Background

Federal regulations require the Michigan child support program to perform a yearly SASS audit to ensure its compliance with eight program compliance criteria. One of these criteria is “Establishment of paternity and support order” (Establishment). Within the Establishment criterion benchmark of 75 percent, there are three

¹ In some counties, the FOC performs establishment functions rather than the PA. The information provided in this memorandum applies to those FOC offices.

regulations for which states must be successful: 20-day case-open timeframe, 75/90-day locate timeframe, and 90-day service of process (SOP) timeframe.²

Michigan failed to meet the federal benchmark for the Establishment criterion in the SASS audit for FYs 2013 and 2014. Analysis of the SASS data determined that SOP contributed to 52 percent of the failures in the Establishment cases reviewed for FY 2014. The review showed that not all IV-D staff used the *Legal Service of Process* (LSOP) screen to enter the SOP attempt dates and successful service dates. IV-D staff must maintain the LSOP screen to ensure the SASS audit reliably measures Michigan's SOP success. In addition, SOP was not always completed timely. SOP must be completed timely and within the *Federal Expiration Date* on the LSOP screen.

As part of the Establishment corrective action plan for the FY 2014 SASS audit, OCS completed a progress report³ of *potential* FY 2015 SASS cases⁴ in which SOP requirements either were met or may **not** have been met within the *Federal Expiration Date*. The progress report includes cases in which at least one of the following SOP activities was not completed within the federal 90-day timeframe or within the *Federal Expiration Date*:

- A court order was established;
- Successful SOP occurred;
- Three SOP attempts were made and documented; or
- A IV-D-qualifying summons extension was obtained.

The progress report shows that statewide, Michigan completes SOP 63 percent of the time. If the 75 percent threshold for the Establishment criterion were applied solely to the SOP, Michigan would remain below the necessary threshold.

Michigan's corrective action plan indicates that it will improve the Establishment criterion rate through changes and improvements in policy, system functionality, training methods, and business practices. OCS has conducted an evaluation of its policy, system, training, and its own operations, and has acted on many of its findings. However, after two years of corrective action, it appears Michigan remains at risk of failing the Establishment criterion again. Consequently, Michigan's IV-D program must rely on PA offices to review and improve their business practices. OCS expects individual counties to meet (and ideally exceed) the 75 percent threshold in the area of SOP.

² Ref: 45 Code of Federal Regulations (CFR) 308.2.

³ The report is titled <county number> *Fiscal Year 2015 Court Orders with Possible SOP Errors*. It is a tally of historical Michigan Child Support Enforcement System (MiCSES) records. Each affected county will have access to its own progress report on mi-support. Ref: Section C in this IV-D Memorandum for more information.

⁴ OCS did not audit these cases in MiCSES.

After consulting with the Program Leadership Group regarding the Establishment compliance rate, the OCS IV-D director decided to issue letters to the elected PA (or the judge in counties in which the FOC provides this service) and the PA's child support office manager in counties that had at least 10 court orders established in FY 2015. The letters will describe the SASS SOP deficiencies identified in this memorandum and will provide the county's compliance rate for SOP for cases with court orders established in FY 2015. By issuing the letter, it is expected that child support staff will receive the appropriate executive support and resources needed at the local level to improve performance.

B. Recommended Action for PA Offices

OCS expects that PA offices **near or below** the federal compliance benchmark of 75 percent in Category 1 of the progress report⁵ will review the Category 1 cases listed as "Fail" to determine the obstacles that prevented – and the procedures that did not permit – timely service. PA staff will then re-evaluate their business practices in an effort to better meet due diligence and the federal timelines. The progress report shows there is significant room for improvement since 33 counties are below the 75 percent threshold in Category 1; these counties account for 71 percent of the failed cases in Category 1.

Additionally, OCS recommends that *all* PA offices strive to improve their compliance percentage in Category 1 since incremental improvements in all counties can help ensure Michigan meets the SASS Establishment criterion.

Some local PA office business practices that OCS identified in the audit analysis appear to conflict with federal requirements and/or IV-D policy, causing delays in meeting SOP within the *Federal Expiration Date*. These business practices included:

- Rejecting the court action referral (CAR) when the issue can be resolved by the PA (such as transferring the case to another county when the support specialist sends it to the incorrect PA office). **Pursuant to policy, the *Federal Expiration Date* timeline continues when a CAR is rejected by local office staff.** Inappropriate CAR rejections negatively impact program compliance in the Establishment criterion.
- Shutting down the MiCSES major activity for the NCP's SOP tracking prior to the *Federal Expiration Date*.
- Locating parents (sending postal verifications) after the support specialist sent a CAR already showing current locate information for the parents;
- Delaying the sending of appointment letters to the parents or setting an appointment that is near or beyond the *Federal Expiration Date*, preventing SOP in a timely manner.

⁵ Category 1 of the progress report consists of cases that appear to have a correct *Federal Expiration Date* in MiCSES, and the PA office had at least 60 days to serve the non-custodial parent (NCP) from the time of the CAR to the *Federal Expiration Date*. Ref: Section C(1) in this IV-D Memorandum for more information.

- Failing to set the NCP to a **not located** status on the *Member Address History* (AHIS) and *Member Employment History* (EHIS) screens when the NCP's home and employer locations are clearly unknown. IV-D staff should set a "not located" status for the NCP by end-dating all bad residential and mailing addresses and employer addresses. (Note: When an NCP has multiple cases, IV-D staff must ensure that the other cases are not negatively affected when end-dating addresses or employers on one of the NCP's cases).⁶
- Not properly marking or noting the reason for the IV-D-qualifying summons extension on the *Notes Processor* (NOTE) screen.

OCS recommends PA staff review Section 4.15 of the *Michigan IV-D Child Support Manual* for further information regarding due diligence and SOP. PA staff may also review the following for more information on meeting due diligence and SOP:

- The [PA Case Processing Web-Based Training](#); and
- The [Federal Expiration Dates webcast](#).

PA offices that are interested in further consultation about changing business practices to improve SOP timelines are encouraged to request this assistance by entering a Help Desk ticket. OCS will monitor these tickets and respond as resources allow.

In addition, the *Service of Process (SOP) Details* (ES-202) report is an operational report in Business Objects that IV-D staff can use to monitor local office compliance with the federal and state SOP timeframes. PA offices are encouraged to use this report to monitor open CARs where the NCP has been located but SOP has **not** been successful.

C. Progress Report

The spreadsheet titled *<county number> Fiscal Year 2015 Court Orders with Possible SOP Errors* is a compilation of open IV-D cases with an initial order established in FY 2015 and includes potential SOP pass and fail cases for a county. There is a spreadsheet for each county that had at least 10 court orders established in FY 2015. The spreadsheet is located in each county's folder in the [mi-support Document Distribution Center](#).

Note: The following counties had fewer than 10 cases with court orders established in FY 2015. For these counties, OCS will not send a letter to the PA and will not provide a spreadsheet.

- Alcona;
- Alger;

⁶ Legal addresses do not affect the NCP's MiCSES locate status. Reference Subsection 3.4.1 of [Section 4.15, "Service of Process \(SOP\)," of the Michigan IV-D Child Support Manual](#) for an explanation.

- Baraga;
- Benzie;
- Chippewa;
- Iron;
- Keweenaw;
- Luce;
- Mackinac;
- Manistee;
- Midland
- Missaukee;
- Ontonagon;
- Oscoda; and
- Tuscola.

OCS compiled the data for the progress report following the 8.13 MiCSES Release on November 13, 2015. OCS did **not** perform a detailed review of all cases provided in the progress report; therefore, some cases' pass/fail results could change upon further review. Additionally, SOP policy changes published in [IV-D Memorandum 2015-024, Updates to Federal Expiration Date and Service of Process \(SOP\) Policy](#), could also positively affect a county's SOP compliance rate.

1. Categories of Cases in the Report

The cases in the spreadsheet are organized into two categories:

- a. Category 1 – Cases that appear to have a correct *Federal Expiration Date* in MiCSES, and the PA office had at least 60 days to serve the NCP from the time of the CAR to the *Federal Expiration Date*; and
- b. Category 2 – Cases that appear to have a correct *Federal Expiration Date* in MiCSES, and the PA office had fewer than 60 days to serve the NCP, including cases for which the county received the CAR *after* the *Federal Expiration Date*.

Multiple CARs may exist for both Category 1 and 2 cases; the most recent CAR and its *Federal Expiration Date* were used to determine SOP compliance for this report. However, these multiple CARs did not significantly impact the county compliance rates.

OCS will perform a centralized review of Category 2 cases. However, action from *both* PA offices and OCS may be appropriate. CARs that were inappropriately rejected by PA staff may fall into this category, and such rejections can cause SOP failures. OCS may provide further direction on Category 2 cases in a future communication. Until then, PA offices should focus their resources on Category 1 cases, and then if resources are still available, review cases in Category 2 to further refine their local business procedures.

2. Report Tabs and Columns

The progress report includes a summary of the county's SOP pass/fail percentages located on the "Stats" tab. The pass/fail percentages are broken out by each of the two categories and as an overall total. Counties with IV-D cases with potential failures will find case details on the tab marked with the county number. Column descriptions are provided on a separate tab.

The first column of the report, "Overall P/F," indicates if the individual case passed or failed to complete SOP activities within the *Federal Expiration Date* period.

- a. Cases that had a successful SOP, three unsuccessful SOP attempts, or an order issued on or before the *Federal Expiration Date* were identified as "pass."
- b. Cases indicated in MiCSES with a summons expiration date extension are considered a pass; however, PA staff should further review these cases to ensure they meet the qualifying summons extension requirements as described in Section 4.15 of the *Michigan IV-D Child Support Manual*.

3. Case Types Not Included in the Report

Certain types of cases have limited PA involvement and are currently not a primary focus of the SASS audit analysis or the current corrective action plan. Consequently, the following case types are not included in the report:

- a. Intergovernmental cases with R or I in the *Intergov* field on the *Case Member Details* (CASE) screen or cases whose support order had a *Court Case Type* that started with a U on the *Support Order Entry* (SORD) screen;
- b. Foster care cases with a *IV-D Case Type* of F, J, or G on the CASE screen;
- c. Domestic relations cases (i.e., cases with a *Court Case Type* on the SORD screen of DC, DM, or DO);
- d. Cases without CARs; and
- e. Cases that have an incorrect *Federal Expiration Date*⁷ in MiCSES.

D. Additional Information

For more information regarding the FY 2014 SASS audit and corrective action plan, refer to the [FY 2014 SASS report](#). Also refer to:

- [IV-D Memorandum 2015-021, Self-Assessment \(SASS\) Audit – Establishment of Paternity and Support Order \(Establishment\) Program Compliance Criterion Corrective Action Plan \(CAP\)](#); and

⁷ The *Federal Expiration Date* did not correctly recalculate for reopened cases, cases in which the NCP became not located, or cases that had a noncooperation or good cause activity within the 90-day *Federal Expiration Date* period.

- IV-D Memorandum 2015-024.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Program Leadership Group

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CC:

None

SUPPORTING REFERENCES:

Federal
45 CFR 308.2

State
None

ATTACHMENT(S):

None

EPF/PGM