



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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IV-D MEMORANDUM 2016-012

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: May 26, 2016

SUBJECT: The Genetic Parentage Act – Interim Procedures for Processing Requests for Voluntary Genetic Testing

UPDATE(S):

Manual

Form(s)

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

The Genetic Parentage Act (GPA) took effect in March 2015.¹ It permits parents on a IV-D case to voluntarily obtain genetic testing (GT) and, if those tests indicate paternity, to establish paternity for a child by IV-D staff filing documents with the Division of Vital Records and Health Statistics. However, voluntary GT cannot be used if paternity has been previously established or if adoption proceedings are ongoing. If paternity has been previously established, the GPA cannot be used to disestablish paternity or to establish new paternity.

OCS and program partners have yet to define final business, system and logistical decisions to implement the GPA, including the procedures for processing requests for voluntary GT. However, OCS has received inquiries from IV-D case members and IV-D staff about the implementation and availability of the GPA procedures. Until the implementation of the final GPA procedures, IV-D staff will reference the GPA information in this memorandum. OCS will publish further information about the GPA procedures in the future.

¹ Michigan Compiled Law (MCL) 722.1461 – 722.1475

DISCUSSION:

A. The Genetic Parentage Act (GPA)

The GPA provides a voluntary, non-adversarial IV-D process to establish paternity through GT for children born to unmarried mothers. Although GT is not available for all IV-D cases, it is available for a child for whom:

- Paternity has not yet been established; and
- There are no ongoing adoption proceedings.

In providing voluntary rather than court-ordered GT, and the resulting paternity establishment documents, the child support program expects to:

- Reduce the timeframe in which parents establish paternity using an authorized GT procedure.² In addition, the child support program expects to more quickly exclude men who are not the father of a child;
- Provide a lower-cost process for families who opt for voluntary GT. OCS intends to absorb the cost of voluntary GT, making the process free to parents;³
- Provide another means to legally establish paternity through scientific testing. GT provides children the same legal rights and relationships as those children born from a marriage and those children who have had legal paternity otherwise established. The process also provides a future opportunity to obtain genetic and medical history for the child; and
- Allow for the entry of a child support order for the benefit of the child (against the established parents). GT also could reduce the need for later paternity revocations.

B. GPA Workgroup Recommendations for Implementing the GPA

To better analyze the impact of the GPA upon IV-D operations, the Program Leadership Group (PLG) approved a [Genetic Parentage Act \(GPA\) Workgroup Charter](#) and assigned PA, FOC, and OCS staff to the workgroup. Additionally, staff from the Division of Vital Records and Health Statistics and employees from the DDC participated in the workgroup. The GPA Workgroup members discussed various aspects of the GPA, its legal and logistical concerns, and its impacts to the Michigan Child Support Enforcement System (MiCSES). The GPA Workgroup discussed five options for implementing the GPA. These options are further discussed in the [Genetic Parentage Act \(GPA\) Report](#). Some of the options were interim solutions and some were long-term solutions. Long-term solutions included

² OCS currently contracts authorized statewide GT services with the DNA Diagnostics Center (DDC). DDC has trained IV-D staff in some offices to collect genetic samples. However, DDC tests the samples and provides the IV-D program with the GT results.

³ However, if volumes are higher than expected, OCS may reconsider the cost of GT and ask parents to provide all or a portion of the cost of GT.

MiCSES modifications. The PLG approved the long-term solution that was recommended by the GPA Workgroup.

Based on the approved recommendation, OCS will implement GPA in MiCSES by providing support specialists and FOC staff the ability to schedule GT and process GT results. Currently, only PA staff have GT scheduling and processing abilities in MiCSES. While MiCSES will be modified to allow GT tasks for many IV-D staff roles, the approved recommendation envisions that support specialists will be the primary IV-D staff to perform the paternity establishment tasks under the GPA. This means that PAs, FOC staff with PA establishment functions, and support specialists will have additional tasks, such as:⁴

- Applying GPA eligibility criteria to the case to ensure that the case qualifies for paternity establishment under the GPA;
- Scheduling voluntary GT for eligible parents;
- Printing appropriate letters and voluntary GT agreements;
- Recording GT results; and
- Providing non-exclusion results to the Division for Vital Records and Health Statistics to formally establish paternity.

MiCSES will need complex, large-scale modifications to implement GPA procedures. OCS is planning Joint Application Design (JAD) business and functional meetings to begin in 2016, with a goal of operationalizing GPA in the field with a MiCSES release in 2017. The invitation to the GPA JAD will be announced through a MiCSES Help Desk notification.

C. Interim Procedures for Processing Voluntary GT Requests

Because the GPA *authorizes* rather than mandates the offering of paternity establishment under the GPA, OCS will implement GPA provisions when all policy, business processes, and procedures are fully defined, and MiCSES is able to support these business practices.

Until then, IV-D workers should refrain from discussing or offering voluntary GT and other GPA services to parents. OCS expects that PA staff may be the primary IV-D workers to receive questions about voluntary GT. If parents ask about the GPA or indicate an interest in voluntarily participating in GT to determine parentage, PA staff (and any other IV-D staff) will inform parents that:

1. Until OCS provides business and process directives for implementing the GPA, voluntary GT is not being offered at this time; and
2. If parents want to establish parentage through GT, they may do so using the court-order process that is currently in place.

⁴ OCS expects support specialists may perform most of these tasks upon the initial opening of a IV-D case.

As decisions are made with IV-D partners, OCS will issue further instructions and final GPA policy.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

GPA Workgroup
Establishment Work Improvement Team
Program Leadership Group

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None

SUPPORTING REFERENCES:

Federal
None

State
MCL 772.1461 – 772.1475

ATTACHMENTS:

None

EPF/JEM