



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
LANSING

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GOVERNOR

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**IV-D MEMORANDUM 2016-031**

**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:** October 14, 2016

**SUBJECT:** Announcement of the Availability of IV-D Funding for the Establishment of Custody/Parenting Time, and the Program Leadership Group (PLG) Policy Statement Regarding Parenting Time

**RESPONSE DUE:** None

**POLICY EFFECTIVE DATE:** Upon receipt

**PURPOSE:**

This IV-D Memorandum announces the availability of IV-D funding for the establishment of custody and parenting time provisions with a first-established child support order.<sup>1</sup> It also provides direction to IV-D staff about the use of IV-D funds for the establishment of custody and parenting time provisions in initial child support orders.

This memorandum also introduces Exhibit 2016-031E1, Program Leadership Group (PLG) Policy Statement – Parenting Time in Support Orders, which provides IV-D staff with additional information on the PLG’s mission, legal authorities, and strategy for implementing the establishment of parenting time. This PLG statement was written and approved by PLG members.

**DISCUSSION:**

After much research, discussions with other states, and reviews of federal directives, OCS determined that the establishment of parenting time provisions with first-established child support orders is eligible for IV-D funding in certain circumstances.

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<sup>1</sup> A first-established child support order is the first initial child support order created for the child(ren), and it could be a temporary or final order. This applies to child support orders for which Michigan has the jurisdiction to address custody and parenting time.

**UPDATE(S):**

Manual

Form(s)

The inclusion of parenting time provisions with first-established child support orders is in line with the Michigan Child Support Program's Strategic Plan goals. Specifically, it aligns with the goals of:

- Parenting Time by promoting healthy family relationships through parental engagement; and
- Customer Service by delivering services in an effective manner. By including specific and enforceable parenting time provisions in the first-established order, the need for later modifications to the parenting time order will be reduced. It will also reduce the amount of parental conflict and additional work for FOC staff in enforcing the order.

Exhibit 2016-031E1 is for readers to interpret. Any IV-D office not currently establishing parenting time with the first-established order is encouraged to begin doing this important work.

#### **A. IV-D Funding Related to Custody and Parenting Time Establishment**

Section 467 of the Social Security Act requires that as a condition of federal approval of a state's IV-D program, the state must adopt child support calculation guidelines that are used to establish periodic child support obligations in all IV-D and non-IV-D cases. The Michigan Child Support Formula (MCSF) is Michigan's guideline that meets this mandate, and in it, parenting time is integral to the support order calculation. The MCSF requires a specific number of parenting time overnights to properly calculate a child support amount.

Programs designed to improve non-custodial parents' contact with their children are associated with an overall increase in child support payments when parenting time is addressed. The federal government agrees with this approach, and in House of Representatives Bill H.R. 4980,<sup>2</sup> Section 303, the U.S. Congress suggests that states use existing funding sources, including the use of child support incentives, to support the establishment of parenting time arrangements.

IV-D funds are available for IV-D worker time spent establishing custody and parenting time provisions in first-established child support orders. However, the amount of IV-D funding available is limited. IV-D program costs must be minimal and incidental to IV-D establishment activities. IV-D funding is available for up to one hour<sup>3</sup> of billable IV-D staff time when establishing parenting time.

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<sup>2</sup> [Preventing Sex Trafficking and Strengthening Families Act of 2014](#)

<sup>3</sup> In accordance with [IV-D Memorandum 2012-012, Time Documentation](#), IV-D staff will bill in 15-minute increments. It is not required that IV-D staff spend one hour resolving parenting time disputes; staff may spend less time, as appropriate, given the case circumstances.

To qualify for IV-D funding, the following criteria must exist:

- There is an open IV-D case in the Michigan Child Support Enforcement System (MiCSES);
- The child support order is the first one established for the child(ren);
- The MCSF was used to calculate support, and parenting time overnights were considered in the calculation;
- The activity is incidental to the child support proceeding and the added cost is minimal; and
- IV-D staff have followed the guidance in the attached Exhibit 2016-031E1.

Because establishing parenting time arrangements can be funded using IV-D funds *if* those activities meet the above criteria, county offices must not use service fees<sup>4</sup> to offset their costs for these same activities. OCS does not identify these fees as IV-D fees and therefore, they cannot be used to offset IV-D expenses. However, counties may continue to use service fees for situations that are not IV-D-fundable.<sup>5</sup>

1. Actions Related to Custody and Parenting Time That Are Eligible for IV-D Funding

The MCSF requires a specific number of parenting time overnights to properly establish the child support and medical support dollar amounts in the child support order. Therefore, IV-D staff actions related to the establishment of the first custody and parenting time order on a paternity case, support case, divorce case, decree of custody, or an intergovernmental case<sup>6</sup> are eligible for IV-D funding. This policy applies to cases in which parents are married or unmarried.

Note: IV-D staff will not place a party into noncooperation status for failing to agree to establish a custody and/or parenting time order.

2. Actions Related to Custody and Parenting Time That Are **Not** Eligible for IV-D Funding<sup>7</sup>

Beyond the establishment of the first-established child support order that includes custody and parenting time provisions, any further actions are not IV-D-funded. These include:

- Enforcement of parenting time;

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<sup>4</sup> Ref: [Section 5.70, "Fees \(SF/PF, OSR and FFEE\)," of the Michigan IV-D Child Support Manual](#) for more information on service fees.

<sup>5</sup> Ref: Subsection A(2), "Actions Related to Custody and Parenting Time That Are **Not** Eligible for IV-D Funding," in this memorandum for more information.

<sup>6</sup> A UIFSA Initiating (UI) or a UIFSA Establishment (UE) intergovernmental case would not be eligible for addressing custody and/or parenting time provisions. (UIFSA is the Uniform Interstate Family Support Act.)

<sup>7</sup> Ref: IV-D Memorandum 2012-012 for more information on IV-D funding reimbursement.

- Custody and parenting time investigations;
- Establishment of or revisions to custody and parenting time in the course of review or modification activities; and
- Dispute resolution and mediation activities.

## **B. Informing Parents Prior to Meeting With IV-D Staff**

To assist parents with making a decision on parenting time provisions, IV-D staff can provide them with court policies and locally established parenting time schedules prior to any meetings or conferences. These materials should adequately prepare parents to discuss a parenting time schedule.

IV-D staff may also inform parents about parenting resources, parenting time classes, and other related community resources.

## **C. MiCSES Enhancements**

Currently, OCS is not making updates to MiCSES-generated letters or forms related to custody or parenting time. The Establishment Work Improvement Team (WIT) will identify possible future updates to MiCSES-generated letters and forms that pertain to custody and parenting time. PAs and other IV-D staff may request changes to forms owned by them by entering a ticket with the MiCSES Help Desk.

No MiCSES enhancements will be implemented to accommodate the establishment of parenting time orders. The Establishment WIT is considering future MiCSES improvements.

## **D. Additional Resources**

The PLG asked the Establishment WIT to address other opportunities to improve the process for establishing parenting time. These include:

- Drafting recommended standard custody and parenting time language;
- Changing the management approach for the cultural change for PAs to begin establishing parenting time;
- Identifying and recommending training opportunities;
- Developing a checklist to help guide parents and PAs through decision steps;
- Identifying best practice recommendations;
- Working with mi-support staff to create a page to post parenting time resources,
- Identifying and recommending form or letter changes; and
- Identifying and recommending MiCSES changes.

OCS encourages IV-D staff who are unfamiliar with the establishment of parenting time provisions to work with other PA offices to gain the necessary knowledge and learn any established best practices. The State Court Administrative Office (SCAO) also has a [Parenting Time Guideline Website](#) with resources to assist PAs in

establishing parenting time.

**NECESSARY ACTION:**

Retain this IV-D Memorandum until further notice.

**REVIEW PARTICIPANTS:**

Program Leadership Group  
Establishment WIT

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**CC:**

None

**SUPPORTING REFERENCES:**

Federal  
Code of Federal Regulations (CFR) 303.4(d)  
Section 467 of the Social Security Act  
Bill H.R. 4980, Section 303

State  
Michigan Compiled Law (MCL) 722.25(1)  
MCL 722.17a  
MCL 722.27a  
MCL 722.717b  
2013 Michigan Child Support Formula

**ATTACHMENTS:**

Exhibit 2016-031E1: Program Leadership Group (PLG) Policy Statement –  
Parenting Time in Support Orders

**EPF/NS**