

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

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1. Introduction

This manual section summarizes the legal authority to abate¹ child support. It also describes the abatement process, explains how the Michigan Child Support Enforcement System (MiCSES) supports the abatement process, and discusses related abatement notices.

The IV-D program will abate child support for certain incarcerated and incapacitated payers of support as well as for payers who reside full-time with the child(ren) for whom support is payable. The abatement process includes both automatic and manual steps. In most instances, MiCSES automatically starts the abatement process for incarcerated payers.

IV-D workers will manually start the abatement process for incapacitated payers and when a payer resides full-time with a child for whom support is payable under the order.² IV-D workers may also manually initiate the abatement process for incarcerated payers when appropriate. For both manual and automatic initiation of abatement for incarceration, the *Review and Modification – Incarcerated NCPs Report (RV-200)*³ provides the data needed to determine when abatement is appropriate.

When support is abated, some enforcement activities such as mandatory automatic enforcement (e.g., credit reporting, federal tax refund offset) will continue because arrears may still exist on the case. Friend of the Court (FOC) offices will determine whether it is appropriate to continue discretionary enforcement activities when the payer does not have the ability to earn income or pay support.

2. Legal Authority

2.1 Abatement for Incarcerated Payers

2.1.1 Federal Law

In December 2016, federal regulations provided states with options for responding when the IV-D program learns that a payer of support will be incarcerated for more than 180 days. When the IV-D program learns this information, it is required to take one of three actions:⁴

¹ “Abate” means to reduce the support charges to zero.

² This manual section briefly discusses abatement for incapacitated payers and for when the payer resides full-time with the child for whom support is payable under the order. FOCs will rely on State Court Administrative Office (SCAO) policy for information on these types of abatements. Ref: [SCAO Administrative Memorandum \(ADM\) 2017-02, Administrative Abatement or Redirection of Child Support](#), for more information on abating support when the payer resides with the child for whom support is payable under the order.

³ Ref: [Business Objects Report Description: RV-200 - Incarcerated NCPs](#) for more information on the RV-200 report.

⁴ Ref: 45 Code of Federal Regulations (CFR) 303.8(b)(2) and 303.8(b)(7)(ii).

- **Option 1:** Initiate a review and modify the order, if appropriate;
- **Option 2:** Provide notice to the parties of the right to request a review; or
- **Option 3:** Have a law or rule that requires the IV-D program to modify a child support obligation upon the payer's incarceration by operation of law. "By operation of law" in this context means that the law will authorize the IV-D program to abate the payer's support obligation upon specific conditions being met. The monthly support payment will be adjusted to zero without the need for a request by a party or the initiation of a review.

Prior to December 2021, the Michigan IV-D program selected Option 1 to fulfill this requirement. In December 2020, Michigan passed the legislation required for Option 3 with an effective date of December 30, 2021.⁵

2.1.2 State Law

Michigan law requires the FOC, with appropriate due process for the parties, to abate child support by operation of law when a payer becomes incarcerated for 180 days or more.⁶ Although the law presumes that the incarcerated payer does not have the ability to pay support, the FOC is not required to abate support if the payer has assets to continue to pay child support. If the payer has income or assets, the FOC will initiate a review and modification.

Additionally, state law⁷ requires that each support order the court enters or modifies must include language to abate support when the payer is incarcerated for 180 days or more. This language is included, by operation of law, in all orders entered prior to the effective date of the law requiring this language.

The statute ensures that abatement for incarceration is applicable to support orders with or without the case being a Friend of the Court case or a IV-D case.

Finally, state law requires that the Michigan Department of Corrections (MDOC) and county jails⁸ provide the IV-D program (Office of Child

⁵ Senate Bill 1090 revised Michigan Compiled Law (MCL) 552.605d, and Senate Bill 1091 created MCL 552.517f.

⁶ MCL 552.517f(1)

⁷ MCL 552.605d(2)

⁸ Ref: MCL 552.517f(12). There are 80 county jails in Michigan; three counties do not have jails.

Support [OCS]) with data necessary to identify payers who are or will be incarcerated for 180 days or more.

2.1.3 Retroactive Abatement

Federal and state laws prohibit retroactive *modification* of support. This ensures both the custodial party (CP) and non-custodial parent (NCP) can reliably depend on the support amount established by a court order without an *unexpected* retroactive change to that support amount.

Abatement is a specific provision within the support order requiring an adjustment upon a triggering event; abatement is **not** a modification. Both federal and state laws provide for abatement as different from modification and do not use the terms interchangeably. As described in Subsection 2.1.1 of this manual section, 45 CFR 303.8(b) permits abatement as an option apart from a “review and adjustment” (the term the CFR uses to describe a “review and modification”). Additionally, MCL 552.517f provides for an abatement when the payer is incarcerated but requires a review and modification when (s)he leaves incarceration. Nevertheless, both abatement and a modification result in a change to the accruing support amount.

As mentioned in Subsection 2.1.2 above, orders must include language regarding abatement (for incarceration); this language alerts the NCP and CP that if the payer becomes incarcerated, the support amount **will** change effective the date of incarceration.

This means that when the IV-D program learns the NCP is incarcerated, it is authorized to notify the NCP and CP and ultimately **adjust its records** retroactively to show the abatement beginning on the date of incarceration, as required by the support order. The adjustment allowed is not contingent on the date the IV-D program learns of the incarceration nor the date it issues the notice (the *Notice of Redirection*⁹ or *Abatement of Child Support* [FEN240/FOC 106]¹⁰) to the NCP and CP.

2.2 Abatement for Incapacitated Payers

The 2021 Michigan Child Support Formula (MCSF) allows the court to abate support when the payer of support will likely be incapacitated for 180 days or more.¹¹ Incapacitation is the inability to pay child support due to a parent’s

⁹ This manual section will not address redirection. Ref: SCAO ADM 2017-02 for more information on redirection.

¹⁰ Ref: [Exhibit 3.44E1](#).

¹¹ Ref: [2021 MCSF 4.02](#) and [2021 MCSF Supplement 3.04](#) for more information on incapacitation.

inability to work temporarily or permanently. Incapacitation includes disability, mental incompetency, serious injury, debilitating illness, or incarceration.¹²

2.3 Abatement for Payers Residing Full-Time With the Child

State law¹³ requires every court order to provide that support will be abated when the payer resides full-time with the child(ren) for whom support is payable under the order.¹⁴

3. Incarceration Abatement

At the time of incarceration, it is unlikely a payer's child support order reflects the current ability to pay. Most incarcerated payers will not have the income or resources to pay support. The child support debt will accumulate during incarceration and is rarely collected after release. It requires IV-D staff and court time to enforce. To avoid these challenges, the FOC will abate support¹⁵ for payers who become incarcerated for 180 days or more.

OCS currently receives incarceration information from MDOC and the State Verification Exchange System (SVES).¹⁶ A few FOCs receive incarceration data directly from their county jail.¹⁷ However, OCS is currently collecting incarceration data from many of the 80 county jails.¹⁸ IV-D staff can find this data in the *Jail Data Match Report* (LC-003) and the *Portal Jail Full Data Report* (LC-004), which are available for IV-D staff to review.¹⁹

3.1 Eligibility

Payers of support become eligible for abatement when they are incarcerated for 180 days or more. The reason for the payer's incarceration is irrelevant to application of the abatement; the parent can be incarcerated for any crime, including a crime related for failure to pay child support.

The law presumes that the payer of support does not have the ability to pay; however, abatement will not apply if the payer has assets or the ability to pay support. MiCSES monitors incarceration data on a daily basis to determine

¹² Ref: 2021 MCSF 4.02(A)

¹³ MCL 552.605d

¹⁴ Ref: SCAO ADM 2017-02 for more information on abating support when the payer resides with the child for whom support is payable under the order.

¹⁵ MCL 552.517f

¹⁶ SVES records are received through the Federal Parent Locator Service. Ref: [MiCSES Report Description: SVES – State Verification Exchange System Reports](#) for more information about SVES reports. Ref: Subsection 3.4 of this manual section for more information on SVES data.

¹⁷ Some FOCs receive data from their local county jail, and if they update the information on the *Member Demographics* (DEMO) screen, it is available to all FOCs.

¹⁸ A ticket has been entered to incorporate jail data in the automatic abatement process.

¹⁹ Ref: [Business Objects Categories Web-Based Training](#) for information on how to access these Business Objects reports.

when a payer of support becomes incarcerated and eligible for abatement. The *Abatement* (ABATE) activity chain²⁰ will automatically open when a payer is or will be incarcerated for 180 days or more.

When IV-D workers learn that a payer of support will be incarcerated for 180 days or more, they may update the DEMO screen so MiCSES will incorporate the data in its automatic abatement process. IV-D workers may also manually initiate the ABATE activity chain. Once the chain is initiated, MiCSES will automatically monitor for the payer's release from incarceration and generate the appropriate notices. The IV-D worker may override any step within the ABATE activity chain as necessary.

A payer of support is eligible for abatement for each period of incarceration that lasts 180 days or more. However, the automatic abatement process will start only once during each unique period of incarceration. For example, if the payer of support gains assets during incarceration and the FOC enters a modified support order, the automatic abatement process will not start again during that same period of incarceration. If the abatement needs to start again during a period of incarceration, the IV-D worker must start the abatement process manually.

3.2 Abatement Timeframes

The abatement of support will begin on the first day of incarceration or December 30, 2021,²¹ whichever is later. The IV-D program can, but is not required to, wait for 180 days to elapse before applying the abatement, but ultimately 180 days must elapse; if it does not, the abatement is or was inapplicable and can be reversed.

The 180 days must be consecutive and can include time periods for which the parent is awaiting trial and/or time periods prior to an arraignment or conviction. The abatement will continue until the payer is released from incarceration. At that time, the FOC will review the payer's support order. This will result in support orders that are appropriate for the payer.

3.3 Calculating 180 Days to Include Jail Incarceration Time Before Prison

Incarceration includes the time a payer is incarcerated in a county jail as well as the time a payer is in prison. However, the automatic abatement process only includes prison incarceration data; it does not consider jail incarceration data unless the incarceration dates are documented on the DEMO screen.²²

²⁰ Ref: [MiCSES Customer Information Guide: ABATE – Abatement Activity Chain](#).

²¹ This is the effective date of MCL 552.517f.

²² Until jail data is incorporated into MiCSES, it must be manually entered.

To include time when a payer is incarcerated in a county jail prior to being incarcerated in prison, IV-D workers will change the effective date for the abatement to the date the jail incarceration began. IV-D workers will do this by manually completing the following steps:

1. Close the ABATE activity chain.²³ This will automatically generate the *Notice Following Review of Redirection or Abatement of Child Support* (FEN241/FOC 107) notifying the parties that the abatement has ended, unless the IV-D worker manually prevents the notice from being generated;
2. Update the *Incarceration Date* and *Release Date* fields on the DEMO screen;²⁴ and
3. Manually start a new ABATE activity chain.

Once the ABATE activity chain starts, it will use the updated incarceration information on the DEMO screen for the abatement effective date and to populate the FEN240/FOC 106. MiCSES will automatically generate the FEN240/FOC 106.

3.4 Identifying Eligible Payers for Abatement

IV-D workers and MiCSES will use the RV-200 report to identify payers who are eligible for abatement. Also, MiCSES will use the incarceration data included in the RV-200 to automatically start the ABATE activity chain. The RV-200 compiles incarceration data from MDOC,²⁵ SVES,²⁶ and the DEMO screen.²⁷ The report logic uses incarceration data as well as information from other MiCSES screens. The RV-200 includes:

- Prisoner demographic details;
- Incarceration dates and release dates;²⁸
- Correctional facility name and location details;
- Prisoner status;
- Case status and support order amount;
- Child(ren)'s emancipation date(s);
- The current activity on the REVMD activity chain; and
- Whether a review is/was open during the payer's incarceration.

Note: SVES data includes information on prisoners incarcerated in federal, state, and local correctional facilities. However, SVES data often does

²³ Ref: [MiCSES Quick Reference Guide: ENFP – Suspend or Close an Enforcement Remedy Major Activity.](#)

²⁴ Ref: [MiCSES Quick Reference Guide: DEMO – Enter or Update Member Demographic Information.](#)

²⁵ MiCSES receives MDOC data weekly. This data includes records for prisons in Michigan as well as updates to previously sent records.

²⁶ SVES information comes into MiCSES via the Federal Case Registry file on a daily basis.

²⁷ IV-D workers update the incarceration data on the DEMO screen.

²⁸ SVES records do not include a minimum release date. However, the RV-200 report logic assumes that if a payer is in a federal or state prison, the term of incarceration is at least one year.

not include release dates; therefore, the RV-200 will display SVES records only from federal institutions.

3.4.1 Automatic Identification

MiCSES identifies payers for automatic abatement using the following criteria:

- Michigan has continuing, exclusive jurisdiction (CEJ);²⁹
- There must be an open docket;
- The payer has been or will be incarcerated for 180 days or more; and
- The payer must have current support charging for an abatable debt type.³⁰

On the RV-200 report, these payers have “Abatement Started” in the *Abatement Status* column, a *Release Date* that is beyond 180 days from the *Incarceration Date*, or a *Release Date* that is blank, but the *Incarceration Date* is 180 days or more in the past. MiCSES will automatically begin the abatement process for these payers.

Note: The RV-200 report will continue to display “Abatement Started” for payers in the notice and objection period because their support has not yet been abated.

The ABATE activity chain will start the abatement process and automatically generate the first notice (FEN240/FOC 106) for payers who meet the criteria above.

Note: The abatement process will never begin automatically based on SVES incarceration data because SVES does not provide release information.

3.4.2 Manual Identification

When a IV-D worker becomes aware that a payer of support who does not appear on the RV-200 (e.g., the payer is incarcerated in a county jail) has been or will be incarcerated for 180 days or more, the IV-D worker will:

- A. Update the DEMO screen with the incarceration data; and
- B. Manually start the ABATE activity chain to start the automatic abatement process.

²⁹ Ref: [Section 7.01, “Intergovernmental Overview,” of the Michigan IV-D Child Support Manual](#) for an explanation of CEJ.

³⁰ Ref: Subsection 3.7.1 of this manual section for more information on abatable debt types.

“Investigate for Abate” in the *Abatement Status* column on the RV-200 report indicates that MiCSES did not have enough data to determine whether the payer would be incarcerated for 180 days or more. “Investigate for Abate” records will remain on the report until the IV-D worker takes action on the case.

“No CEJ” will appear in the *Abatement Status* column on the RV-200 when MiCSES shows that Michigan does not have CEJ and cannot abate support. If IV-D workers have reason to believe this information is incorrect, they should investigate further.

Note: Some records for which Michigan does not have CEJ will appear on the RV-200 and have a status of “Investigate for Abate.” If a IV-D worker attempts to start the ABATE activity chain for these records, MiCSES will not allow the chain to open.³¹

The IV-D worker may, according to office procedure and capacity, investigate these records to determine whether the payer’s support should be abated. If the payer’s support should be abated, the IV-D worker will perform the two steps listed above to initiate the automatic abatement process.

3.4.3 Updating the DEMO Screen With Incarceration Data

The RV-200 includes member data from the DEMO screen as well as incarceration data from other sources. IV-D workers may update the DEMO screen’s *Enforcement* tab with incarceration data from the RV-200 or from any other source (e.g., county jail). This will allow other counties to access this data and ensure it is available for the case closure reason code “XJ – NCP Incarcerated.”

When entering incarceration data on the DEMO screen, IV-D workers will record the payer’s expected release date in the *Release Date* field. IV-D workers will update this field when the **actual** release date is known. Since the ABATE activity chain relies on the incarceration data source (MDOC or the DEMO screen) with the most recently updated information, IV-D workers should rely on MDOC release data for payers who are incarcerated in a Michigan prison.

Note: If, within 30 days after the abatement is terminated, more recent release date data is received indicating that the payer is still incarcerated, the ABATE activity chain will move back to the monitoring step.

³¹ A ticket has been entered to fix this issue.

When payers are incarcerated in a county jail while they await trial, IV-D workers will not have an expected or actual release date to document on the DEMO screen. These payers will appear with “Investigate for Abate” records on the RV-200 report until after being incarcerated for more than 180 days because there is no release date. After 180 days, MiCSES will update “Investigate for Abate” to “Abatement Started.”

After the payer is incarcerated for 180 days, support should be abated. The IV-D worker will manually start the ABATE activity chain. However, MiCSES will not know when to terminate abatement if the DEMO screen is not updated with a release date.

If a retroactive release date is entered on the DEMO screen, the ABATE activity chain will terminate and alert the IV-D worker. The IV-D worker, during the required review and modification process, will make manual adjustments to the payer’s obligations to accurately reflect when abatement of support ended, if necessary.

3.5 Notification

The FOC is required to notify the recipients and payers of support when an abatement will occur.³² When the abatement process begins, MiCSES will automatically generate the *Notice of Redirection or Abatement of Child Support* (FEN240/FOC 106).³³ If the FOC has opted to print the form centrally, the FOC will regenerate the form manually on the *Enforcement Forms Matrix* (ENFM) screen.³⁴ If the FOC prints the form on demand, the FOC will print an additional copy to file with the court.

The FEN240/FOC 106 provides the effective date of the abatement, and it states that the NCP or CP can object to the abatement in writing within 21 days of the mailing date of the notice. It also describes reasons for objecting; the objection must be based on a mistake of fact (e.g., the payer is not incarcerated or has the ability to pay) or mistake of identity. The ABATE activity chain automatically waits an additional 14 days to allow time for mailing.

Note: If the FEN240/FOC 106 needs to be updated with a new abatement effective date due to a more recent incarceration date being available, the IV-D worker must manually generate a revised FEN240/FOC 106.

³² Ref: MCL 552.517f(3). This notice is sent to the legal address documented in MiCSES.

³³ A good cause finding will not suppress the notices discussed in this policy because they are not requesting information or participation from the CP. The abatement notices are informational, and responding to them is voluntary.

³⁴ Ref: [MiCSES Quick Reference Guide: ENFM – Generate Enforcement Documents](#) for information on generating forms.

3.6 Objection

If the FOC does not receive an objection to the initial notice, MiCSES will abate support after the objection period ends. If the IV-D worker knows that the NCP or CP has submitted an objection and it has not been received before the 35 days³⁵ have elapsed, the IV-D worker should manually extend the waiting period for an appropriate number of days to prevent MiCSES from prematurely abating support.

If an objection is received, the FOC will not adjust the record to reflect an abatement. The FOC will conduct an administrative review of the action.³⁶ The FOC will only review objections based on a mistake of fact. After the review, the IV-D worker will generate the FEN241/FOC 107³⁷ to send to the payer and recipient of support. This notice provides a determination of the review and explains whether support will be abated. The FOC must file this review determination with the court.

The NCP and CP have 21 days to file an objection to the review determination with the circuit court. If the NCP or CP files an objection, the IV-D worker will update the ABATE activity chain. The chain will not progress until the IV-D worker documents the results of the hearing.

The IV-D worker will monitor the case manually or through the ABATE activity chain until the results of the hearing are known.

3.7 Adjusting Support Obligations

When the ABATE activity chain starts automatically or is manually started by the IV-D worker, it will automatically abate support after the objection period elapses without the NCP or CP making an objection. MiCSES will conduct the same steps that a IV-D worker would take when abating support manually outside of the ABATE activity chain. MiCSES will verify the docket, select the obligations to adjust, modify the obligation values to “0,” and prorate the values that can be prorated.³⁸

Note: IV-D workers will check the *Zero Support order* checkbox if there are no arrears on the case, or insurance is not ordered.

The abated support amount cannot exceed the payer’s monthly amount of support and the past-due support amount.³⁹ This will ensure that the abatement

³⁵ This includes 21 days for the objection period and 14 days for mailing.

³⁶ MCL 552.517f(5)

³⁷ Ref: [Exhibit 3.44E2](#).

³⁸ Ref: [MiCSES Quick Reference Guide: OBLG – Modify an Obligation](#) for information about modifying an obligation.

³⁹ MCL 552.517f(8)

does not result in a negative child support debt amount that the CP would have to repay.

3.7.1 Obligations That Are Abated

When support is abated automatically by MiCSES or manually by the IV-D worker, the following debt types/charging support obligations⁴⁰ will be reduced to zero if there is a monthly charge. The FOC will charge the bolded obligations as a one-time expense or will divide the one-time expense into a monthly amount. Only those obligations charged as a monthly amount will be abated. The bolded obligations will not be prorated.⁴¹ However, since abatement will delay rather than reduce these obligations, the impact of not prorating them will be minimal.

- CC – Child Care;
- **CF – Birth Expense – Family;**
- **CM – Birth Expense – State;**
- CS – Child Support;
- **ED – Education;**
- **MD – Medical Support – Medicaid;**
- **MR – Medical Reimbursement;**
- MS – Medical Support – Client;
- OS – Out of State;
- **PB – Payee Bonus;**
- **PC – Payee Birth Expenses;**
- SS – Spousal Support; and
- WF – Provider Placement or County Funded Foster Care.

Fees are not included in the definition of support and will not be automatically abated. Surcharges are defined as support but will not be automatically abated because they are only imposed twice a year instead of monthly. The IV-D office has discretion to manually adjust the surcharges and fees on support charges when support is abated.

3.7.2 Abated Obligations That Will Be Prorated

When abating support, the IV-D worker or MiCSES will prorate monthly obligations.⁴² The obligations listed below will be prorated to the first day of incarceration or December 30, 2021, whichever is later.

⁴⁰ Ref: [Section 5.10, "Debt Types," of the Michigan IV-D Child Support Manual](#) for more information on debt types used in MiCSES.

⁴¹ These obligations are programmed in MiCSES not to allow proration.

⁴² Ref: [Section 5.20, "Obligation – Entry, Modification and Adjustments," of the Michigan IV-D Child Support Manual](#) for more information on prorated obligations. Ref: *MiCSES Quick Reference Guide: OBLG – Modify an Obligation* for more information on prorated charges.

- CC – Child Care;
- CS – Child Support;
- MS – Medical Support – Client;
- OS – Out of State;
- SS – Spousal Support; and
- WF – County or Provider Placement.

3.7.3 Adjusting Support for Payers Released Prior to Serving 180 Days

MiCSES uses incarceration and release date information on the DEMO screen to determine when to automatically start the ABATE activity chain. When a IV-D worker enters a release date on the DEMO screen that is 180 days or more from the incarceration date on the DEMO screen, the ABATE chain will start automatically.

Jails sometimes release inmates prior to their scheduled released date. If support is abated and the payer is released from incarceration prior to serving 180 consecutive days, the payer is not eligible for abatement of support. In this circumstance, the IV-D worker must:

- Stop the abatement of support;
- Generate the FEN241/FOC 107 through the ABATE activity chain or on the ENFM screen; and
- Reinstate the support amount.⁴³

3.8 Termination of an Abatement

When the payer of support is released from incarceration, the abatement will remain in effect until the FOC reviews the order and the court modifies it. MiCSES will monitor for incarceration release dates and send the FOC an alert when the payer is released from incarceration.

When abatement ends, MiCSES will send the FEN241/FOC 107 to notify the NCP and CP of the following:

- Abatement has ended;
- The date that abatement ended; and
- Whether the support will be reinstated (after incapacitation abatement) or that a review will begin shortly (after incarceration abatement).

The IV-D worker may generate the FEN241/FOC 107 manually if needed.

⁴³ Ref: [Job Aid: Abatement: Reinstate Support](#) for more information on how to reinstate support.

The IV-D worker may also terminate an abatement and adjust the obligations upon learning that an incarcerated payer has assets or income and is able to pay support.

3.9 Review and Modification of Support During and After Abatement

3.9.1 During Abatement

During incarceration, it is unlikely that circumstances have changed regarding the payer's ability to pay support; therefore, it is unnecessary to conduct a review and send notices during incarceration. Also, it would be confusing for payers and recipients of support to receive notices that a review has begun or that a review can be requested.

- For public assistance cases, MiCSES will not generate the *Notice of Support Review* (RNMRVWNOT) and will not automatically begin the review and modification process.
- For non-public assistance cases, MiCSES will not automatically notify parties of their right to request a review by sending the *Review and Modification Eligibility Notification* (RNMEIIGLTR).

During abatement, notices will continue to be generated for incapacitation and when the child no longer resides with the payee.

3.9.2 After Abatement

When the FOC learns that a payer has been released from incarceration, the FOC must initiate a review of the support order within 30 days. The FOC may start the review⁴⁴ before the 30 days elapses.⁴⁵

Thirty days after the payer is released from incarceration, the ABATE activity chain will automatically close, and MiCSES will start the REVMD activity chain⁴⁶ if the IV-D worker has not manually started it. These payers will no longer appear on the RV-200 report to indicate that a review is in progress. The IV-D worker will need to rely on the alerts sent through the *Alert Detail* (ALRT) screen or review the *Contempt Ability to Pay Screening* (CAPS) screen for release dates.

⁴⁴ Ref: [Section 3.45, "Review and Modification," of the Michigan IV-D Child Support Manual](#) for more information on review and modifications.

⁴⁵ The ABATE activity chain will not start the REVMD activity chain if the IV-D worker has started it manually.

⁴⁶ Ref: [MiCSES Customer Information Guide: REVMD – Review and Modification Activity Chain](#) for more information.

The IV-D worker will review the support order and determine the support amount for a modified order in accordance with law and policy.⁴⁷

3.9.3 Reviewing Spousal Support After Abatement

Spousal support meets the definition of support⁴⁸ and will be abated when support is abated for incarceration. However, the IV-D worker will not review spousal-support-only orders because this is not a IV-D activity.⁴⁹ Additionally, when spousal support and child support are combined on the same order, an FOC worker will review only the child support portion of the order. An FOC worker may review and modify spousal support orders as a non-IV-D activity and according to local practice.

3.9.4 Payment Effective Date of Modified Order

The payer is not required to pay support under a modified order no sooner than the first day of the first month following the 90th day after release from incarceration, unless good cause is present.⁵⁰ This helps ensure the parent has an opportunity to re-enter his/her community and obtain income before support is due.

The payer's income and resources may vary significantly during the period after release from incarceration. When the support order is modified and its effective date is intended to be retroactive to the first day of the first month following the 90th day after release from incarceration, the IV-D worker must calculate the amount of support due for each month following release. The IV-D worker must calculate the support amount using the actual resources available to each parent in each of those months.⁵¹ This means that the IV-D worker must take into consideration each parent's ability to pay during each month after release from incarceration to ensure an accurate support calculation.

3.10 Abatements and Reviews Initiated at the IV-D Worker's Discretion

Cases on the RV-200 with "Investigate for Abate" in the *Abatement Status* column need further research to determine whether an abatement or review is appropriate. "Investigate for Abate" appears on the RV-200 when there is not enough detail about the incarceration for MiCSES to automatically abate support. IV-D workers may use the correctional facility's location details to

⁴⁷ Ref: Section 3.45 of the *Michigan IV-D Child Support Manual* for more information on modifying a support order.

⁴⁸ MCL 552.502a(k)

⁴⁹ Ref: [IV-D Memorandum 2012-012, Time Documentation](#), for information on tracking IV-D and non-IV-D work in an office.

⁵⁰ MCL 552.517f(9)(a)

⁵¹ MCL 552.517f(9)(b)

gather or confirm information concerning an incarcerated payer, and they may update that information on the DEMO screen.

If the payer was or will be incarcerated for 180 days, the IV-D worker must do one of the following:

- Start the ABATE activity chain manually; or
- Document the incarceration dates on the DEMO screen, then wait for MiCSES to start the abatement process automatically.

If the payer was incarcerated for 180 days but research determines that the payer is no longer incarcerated, the IV-D worker may initiate a review to ensure that the payer has an appropriate order amount that is consistent with his/her current income and resources.

The RV-200 will not display payers who are incarcerated and have zero support orders. For these payers, the IV-D worker will manually monitor for release from incarceration. Incarceration data is available on the CAPS screen,⁵² the *Proactive Locate – Incarceration* (LC-011) report,⁵³ and the *Member Income and Location* (MILR) (LC-001) report.⁵⁴

When these payers are released from incarceration, the IV-D worker will conduct a review and, if appropriate, modify the order. For these payers, IV-D workers may want to start the ABATE activity chain and progress it to the step where MiCSES monitors for incarceration release dates to prevent inappropriate notices from being generated. Upon the payer's release from incarceration, MiCSES will open the REVMD activity chain.

4. Incapacitation Abatement

FOCs will rely on SCAO policy for information on these types of abatements. Refer to [SCAO ADM 2019-03, *Adjusting Current Support Due to Incapacitation*](#), for more information on incapacitation.

An incapacitated parent will have limits on his/her ability to earn income. Incapacitation⁵⁵ is defined as the inability to pay the ordered child support amount due to (1) a parent being temporarily or permanently unable to earn income for a

⁵² Ref: [MiCSES Screen Description: CAPS – Contempt Ability to Pay Screening](#) for more information on the CAPS screen.

⁵³ Ref: [Business Objects Report Description: Proactive Locate – Incarceration \(LC-011\)](#) for more information on the LC-011 report.

⁵⁴ Ref: [Business Objects Report Description: Member Income and Location Report \(LC-001\) \(MILR\)](#) for more information on the MILR report.

⁵⁵ Ref: 2021 MCSF 4.02 and 2021 MCSF Supplement 3.04 for more information on incapacitation.

period lasting 180 days or longer and (2) a parent's disability, mental incompetency, serious injury, debilitating illness, or incarceration.⁵⁶

When the FOC determines the payer is incapacitated and support can be abated pursuant to SCAO's policy, the FOC may manually initiate the ABATE activity chain on the *Enforcement Processor* (ENFP) screen. A payer's obligation may be adjusted to zero when (s)he is likely to be incapacitated for 180 days or more.⁵⁷ The FOC may recommend including optional language⁵⁸ in the *Uniform Child Support Recommendation and Order* (USO) (MiCSES FOC10)⁵⁹ to allow support to be abated if the payer becomes incapacitated. If the optional incapacitation abatement language is not included in the USO and the payer becomes incapacitated, the FOC is required to review the order.⁶⁰

The *Incapacitated* checkbox on the *Order Detail* tab of the *Order Preparation and Entry* (OPRE) screen tracks when a child support order has been set at zero due to incapacitation.⁶¹ The FOC will check the *Incapacitated* checkbox only when the child support order has been set at zero due to incapacitation.

5. Abatement When the Payer Resides Full-Time With the Child⁶²

When a payer resides full-time with a child for whom support is payable under the order, the FOC will abate the support.⁶³ The IV-D worker may manually initiate the *Child Does Not Reside Fulltime with the Payee* (DPNFT) activity chain,⁶⁴ which will automatically generate the FEN240/FOC 106. The FOC may use the FEN240/FOC 106 to notify the parties of the abatement. In this type of abatement, the IV-D worker initiates each step manually.

The USO includes language to allow support to be abated to zero when the payer resides full-time with the child for whom support is payable under the order.

⁵⁶ Although incarceration is included in the definition of incapacitation, IV-D workers should rely on MCL 552.517f to abate for incarceration.

⁵⁷ Ref: 2021 MCSF and 2021 MCSF Supplement for information on how to address incapacitation.

⁵⁸ Ref: 2021 MCSF Supplement 3.04(E).

⁵⁹ This manual section will use "USO" (Uniform Support Order) when referring to the MiCSES FOC10.

⁶⁰ Ref: 2021 MCSF Supplement 3.04(E).

⁶¹ SCAO will evaluate the number of zero support orders due to incapacitation to determine whether to revise the MCSF.

⁶² Ref: SCAO ADM 2017-02 for more information on the process for abating support when the payer resides full-time with the child.

⁶³ Ref: MCL 552.605d.

⁶⁴ The DPNFT activity chain may also be used to begin the process of redirecting support to the individual who is providing the actual care, support, and maintenance of a child. This is not discussed in this manual section. Ref: SCAO ADM 2017-02 for more information on the process for redirecting support when a third party cares for a child.

6. Viewing Abatements on the CAPS Screen⁶⁵

If the ABATE activity chain is active for a member, the *Activity Tiles Pane* on the CAPS screen will display information related to the chain. The *Activity Tiles Pane* will display the type of abatement that is active for the member and where in the abatement process the chain currently is.

The IV-D worker will also be able to view the incarceration data on the *Locate Tile*.

SUPPORTING REFERENCES:

Federal

45 CFR 303.8(b)(2)

45 CFR 303.8(b)(7)(ii)

State

MCL 552.502a(k)

MCL 552.517f

MCL 552.517f(1)

MCL 552.517f(3)

MCL 552.517f(5)

MCL 552.517f(8)

MCL 552.517f(9)(a)-(b)

MCL 552.517f(12)

MCL 552.605d

MCL 552.605d(2)

MCL 552.605d(7)

SCAO ADM 2017-02

SCAO ADM 2019-03

2021 MCSF

2021 MCSF Supplement

REVISION HISTORY:

[IV-D Memorandum 2023-018](#)

IV-D Memorandum 2021-024

⁶⁵ Ref: *MiCSES Screen Description: CAPS – Contempt Ability to Pay Screening* for more information on the CAPS screen.