

**Michigan IV-D Child Support Manual
Department of Human Services**

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[Exhibit 4.10E1: Genetic Paternity Testing Services Contract Overview 2010-2015](#)

1. Legal Requirements

The Michigan Department of Human Services (DHS) Office of Child Support (OCS) and Children’s Protective Services (CPS) administer programs that include paternity establishment.

OCS administers the State of Michigan program to establish paternity for child support cases. OCS is required to establish paternity in child support cases by U.S. Code Title 42, Chapter 7, subchapter IV, Part D (IV-D), sec. 666; 45 Code of Federal Regulations (CFR) 303.5; and the Paternity Act, Michigan Compiled Law (MCL) 722.711, et seq.

Genetic paternity testing is used to resolve disputes and establish paternity in accordance with MCL 722.711 and 722.714. The OCS-designated child support paternity establishment staff determine the persons to be genetically tested for paternity in IV-D child support cases, including the mother, child, and alleged father. Currently, the establishment staff are the Prosecuting Attorneys (PAs) located in the 83 Michigan counties that perform child support case establishment under cooperative agreements with DHS.

2. Overview

PA responsibilities in genetic paternity testing include determining who will be tested, arranging for specimen collection, obtaining test results, and arranging for

payment/repayment of services. These actions are discussed in Subsection 3 of this manual section.

To arrange for specimen collection and obtain genetic testing results, PAs work with a genetic testing contractor. The genetic testing contractor for OCS is the DNA Diagnostics Center (DDC). DDC's responsibilities include:

- Arranging for specimen collection services in all counties;
- Providing, at a minimum, annual training (or otherwise as requested) to establishment staff to do self-collection;
- Providing staff or services for specimen collection outside the State of Michigan and in all types of prison and jail facilities;
- Providing all necessary supplies to the establishment staff;
- Arranging and paying for transportation of the samples between the collection location and the laboratory or testing facility;
- Providing the laboratory services necessary to determine or exclude paternity;
- Providing test results within specified time limits via a confidential Web site and/or data file for the purpose of sharing case information with OCS or transferring data to the Michigan Child Support Enforcement System (MiCSES). (DDC must provide hard copies of reports upon request);
- Providing consultation services related to test results, testing procedures, specific cases, and current genetic testing technology and methodology to the establishment staff; and
- Providing expert witness testimony as requested in specific cases.

For specific provisions of the DDC contract with OCS, refer to [Exhibit 4.10E1, Genetic Paternity Testing Services Contract Overview 2010-2015](#).

If a child support order contains a cost for genetic testing and/or specimen collection, IV-D staff enter it into MiCSES. Details are provided in Subsection 4 of this manual section.

3. PA Responsibilities in Genetic Testing Contract Services

3.1 Determine Who Will Be Tested and Arrange for Specimen Collection

The PA will determine who is subject to testing (e.g., mother, child, and/or alleged father) and arrange for specimen draws. The PA also will:

- Provide the IV-D case number to DDC whenever services are requested under the terms of the contract;
- Provide a signed consent or court order to DDC from the party being tested if IV-D staff ask DDC to reuse specimen testing results that are on file from an unrelated case not originally listed on the Client Authorization/Chain of Custody Form; and
- Provide verification of DDC specimen collections if asked by OCS. OCS must have records of the specimens that were collected by DDC to ensure that the state is properly billed for specimen collection services.

3.2 Obtain Test Results

The PA will obtain official reports of genetic test results electronically from DDC's Web site: www.ddc-lab.com.¹ A hard copy will be provided only upon request. DDC will provide training to county establishment staff for accessing and locating reports on their Web site.

3.3 Arrange for Payment/Repayment of Genetic Testing/Collection Costs

The PA will arrange for repayment of genetic testing and/or vendor specimen collection costs paid for by the State of Michigan. The State of Michigan payment of specimen collection and testing costs under the contract is intended primarily for indigent parties.

The PA must attempt to recover costs from the party denying paternity. However, excluded alleged fathers and parties currently on public assistance cannot be charged.² Court orders should include language ordering the defendant to repay the State of Michigan by forwarding payment to the Michigan State Disbursement Unit.

Under the contract, DDC will not bill the counties for specimen collection services. Therefore, if DDC provides the collection service, individuals must not be required to prepay DDC or the county directly at the time of the collection. However, the arrangements counties have with third parties will not change under the DDC contract, and counties will still have a choice to charge a fee.

Because the state will pay DDC for its specimen collection services, the state requires that the specimen collection charge be included in the child support

¹ PA staff must contact their DDC customer service representative to obtain access (user ID and password) to the DDC Web site.

² Ref: CFR 303.5(e)(3). Recipients of aid under the state's Title IV-A or Title XIX programs can be identified on the MiCSES *Member Assistance History* (MAHI) screen in the *Prog* field as TF (TANF assistance) or MA (Medicaid assistance).

order. Also, the state requires that the DDC genetic testing charge be included in the child support order.

- The PA will include in the child support order the total charges for the DDC genetic testing at the current billing rate for each tested individual who is a party to the child support order. (If previous genetic test results were used for any party in the case, the PA must not include a charge for that party.)
- If DDC coordinated or did the specimen collection, the PA will include in the child support order the specimen collection charges at the current billing rate for each individual from whom a specimen was collected who is a party to the child support order. (If previous genetic test results were used for any party in the case, the PA must not include a charge for that party.)

Specific payment situations are discussed below.

3.3.1 Payment Situations

A. Use of a Third-Party Specimen Collection Service

Some counties will have DDC collect the specimen samples. Some counties may use a third party to collect the specimen samples, and they will be billed by the third party. Some counties have their staff collect the samples (self-collection) and will not use either DDC or a third party. In many counties, a combination of the above will be used.

The charges for third-party collection services are handled in various ways at the county level. Some counties require the individuals being tested to pay the third party directly at the time of specimen collection. In other counties, the individuals pay the county directly. Some counties include the charges for third-party collection services in the child support order, while some counties do not.

1. When a third-party specimen collection service is used and the individual pays the third-party specimen collection service directly, the PA must not include either the third-party specimen collector's charge or the individual's payment to the third party on either the child support order or the *Title IV-D Cooperative Reimbursement Actual Expenditure Report* (DHS-286).
2. When a third-party specimen collection service is used and the individual does not pay the third-party specimen collection service directly or pay the county directly, the PA must include the third-party specimen collection charges in the child support order. The PA will enter the third-party collector's charge on the DHS-286 Paternity Testing line.

3. When a third-party specimen collection service is used and the individual pays the county directly, the PA must not include the third-party specimen collection charges in the child support order. The PA will enter the third-party collector's charge on the DHS-286 Paternity Testing line and report any collections received from the direct payment to the county as program income on the DHS-286 Other Income line.

B. Charging of a County Fee

Some counties, including counties that do not use DDC or a third party for specimen collection services, will charge clients a fee. The fee will be in addition to either the DDC or third-party collection charge when those services are used. (For the purposes of this document, this fee is referred to as the "county fee.")

1. When a county fee is charged and the individual does not pay the county directly, the PA must include the county fee in the child support order. The PA will report any collections received through the child support order as program income on the DHS-286 Other Income line.
2. When a county fee is charged and the individual pays the county directly, the PA must not include the county fee in the child support order. The PA will report any collections received from the direct payment to the county as program income on the DHS-286 Other Income line.
3. The PA must ensure that any county fee charged to the parties is in compliance with CFR 303.5(e)(2), which specifies that any fee charged must be reasonable so as not to discourage those in need of paternity establishment services from seeking them, and the fee may not exceed the actual costs of the genetic tests.

3.3.2 Intergovernmental Cases

In intergovernmental cases, specimen collection and genetic testing costs and charges will be based upon the individual circumstances related to the case and whether Michigan is the initiating or responding state in the child support case.

A. Michigan As the Initiating State³

³ Typically, the mother and child are in Michigan, and the alleged father resides in another state.

When Michigan is the initiating state in an intergovernmental case, the PA should not need to ask the responding state to include any county fee, specimen collection costs, or genetic testing costs in the child support order because the responding state is responsible for payment of specimen collection or genetic testing services.

In addition, if Michigan is the initiating state, the responding state, under 45 CFR 303.7(d)(6)(i), is required to establish paternity and therefore has jurisdiction to determine the specimen collection and genetic testing facilities/services to be used.

B. Michigan As the Responding State⁴

The PA must determine the specimen collection and genetic testing arrangements when Michigan is the responding state in an intergovernmental case and is responsible for payment of specimen collection or genetic testing services. Any specimen collection or genetic testing provided by DDC will be billed in accordance with the terms of this contract. Any specimen collection and genetic testing costs that the responding PA requests from the initiating state must be billed to the county. The PA will enter any specimen collection and genetic testing costs billed to the county on the DHS-286 Paternity Testing line. The PA will include any specimen collection and genetic testing costs and any fees in the child support order as described in this subsection above for non-intergovernmental cases.

If Michigan is the responding state, and the responding county PA asks DDC to provide the specimen collection services for any of the parties to the case, those services, as well as genetic testing services, will be provided under the same terms of the DDC genetic testing contract as a non-intergovernmental case. Any specific arrangements the responding PA makes with the initiating state to provide specimen collection or genetic testing services that are not provided by DDC must be billed directly to the responding PA.

The PA must report any collections received on the debt type BD (Genetic Test Costs Paid to the County) as program income on the DHS-286 Other Income line.

3.3.3 Payment From Another State

If the PA receives payment from another state for genetic testing done in Michigan (although under the current intergovernmental rules, this should rarely occur), (s)he should inform the other state that these checks must be made payable to the “State of Michigan” and must be

⁴ Typically, the alleged father is in Michigan, and the mother and child reside in another state.

identified as “Genetic Test Recovery.” Names of the tested parties (mother, child, alleged father) and the name of the county from which the check is sent must be included. The PA must forward payments to:

Michigan Department of Human Services
Cashier’s Office
Grand Tower Suite 1100
P.O. Box 30037
Lansing, MI 48909

The PA must provide the following information along with the check:

IV-D Case Number: _____

Index: 50700

PCA: 83205

AOC: 6155

Appn: 83200

4. Friend of the Court (FOC) Actions: Entering Collection/Testing Costs in MiCSES

4.1 DDC Genetic Testing

If the child support order includes a cost for DDC genetic testing, FOC staff will enter the amount into MiCSES under the debt type BL (Genetic Test Costs Paid to the State) on the *Obligation Entry* (OBLE)⁵ screen. FOC staff must also enter the total cost in the *Maximum Obligation Amount* (MAX OBLIG Amount) field.

4.2 DDC Specimen Collection

If the child support order includes a cost for DDC specimen collection, FOC staff will enter the amount into MiCSES under the BL debt type on the OBLE screen. FOC staff must also enter the total cost in the *Maximum Obligation Amount* (MAX OBLIG Amount) field.

4.3 Charge for a County Fee and/or a Third-Party Specimen Collection

If the child support order includes a charge for a county fee and/or a charge for a third-party specimen collection, FOC staff will enter the county fee and the charge for the third-party collection into MiCSES under the BD debt type on the OBLE screen. FOC staff must also enter the total cost in the *Maximum Obligation Amount* (MAX OBLIG Amount) field.

⁵ The OBLE screen will be replaced by the *Obligation Maintenance* (OBLG) screen in June 2012 with the MiCSES 8.1 Release.

5. Improper Use of the Genetic Testing Contract

Genetic testing services are provided by the federal Title IV-D program to establish paternity in disputed cases. This contract is not intended to pay for severing the legal relationship between a child and father. The genetic testing services of this contract are not intended for the purpose of disestablishment of paternity.

SUPPORTING REFERENCES:

Federal

Office of Management and Budget (OMB)

Circular A-87 ([2 CFR, Part 225](#))

U.S. Code Title 42, Chapter 7, subchapter IV,
Part D, section 666

45 CFR 303.5

45 CFR 303.5(e)(2)

45 CFR 303.5(e)(3)

45 CFR 303.7(d)(6)(i)

45 CFR 303.7(e)

State

The Paternity Act, MCL 722.711, et seq.

MCL 722.714

REVISION HISTORY:

[IV-D Memorandum 2012-019](#)