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

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1. Introduction

Federal regulations mandate the use of a statewide guideline (formula) for calculating child support amounts.[1] Federal regulations also require the use of a statewide automated system to maintain information pertaining to the establishment of support obligations.[2] The MiCSES MiChildSupport Calculator[3] satisfies this requirement by providing electronic access to a complete history of calculations for each child support case.[4] State law[5] requires the use of the Michigan Child Support Formula (MCSF) in calculating child support and gives the responsibility for developing and updating the formula to the State Court Administrative Office (SCAO). After calculating support pursuant to the MCSF, the IV-D worker prepares a recommendation and presents it to the parties, the court, and the attorneys. The recommendation may result in an order.

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[1] Ref: 45 Code of Federal Regulations (CFR) 302.56(a).

[2] Ref: 45 CFR 307.10(b)(4)(iv).

[3] There are two versions of the MiChildSupport Calculator that are used to calculate child support. The MiChildSupport Calculator that IV-D workers access through the Michigan Child Support Enforcement System (MiCSES) is the *MiChildSupport Calculator* (CALC) screen in MiCSES; it will be referred to throughout this manual section as the "MiCSES Calculator." The MiChildSupport Calculator that is available to the public on the MiChildSupport portal will be referred to as the "public Calculator." Ref: Section 1.35, "MiChildSupport Portal," of the *Michigan IV-D Child Support Manual* for more information on the public Calculator.

[4] Ref: Subsection 3.2 of this manual section for information on the MiCSES Calculator.

[5] Ref: Michigan Compiled Law (MCL) 552.519(3)(a)(vi).

1.1 Recommendations

A child support recommendation is a suggested order for child support, normally payable by a non-custodial parent (NCP) to a custodial party (CP).[6] It is prepared using the MCSF, in accordance with federal and Michigan regulations. The amount of child support calculated per the MCSF is the appropriate child support amount, unless the result is unjust or inappropriate.[7]

A IV-D worker may prepare one or more support recommendations:

- After receiving a court action referral (CAR);[8]
- As part of the support order review and modification process;[9] or
- As ordered or requested by the court.[10]

The IV-D worker will present the recommendation, including the *Calculation Results* (CALCRSLT) template,[11] to the court, the attorneys, and/or the CP and NCP on the open IV-D case(s) associated to the docket. Under the review and modification and establishment processes, if the parties do not object to the recommendation, the IV-D worker will send the order to the judge for entry.

During a review and modification or during order establishment, if the parties object to the recommendation,[12] the IV-D worker may:

- Recalculate support and prepare another recommendation if the parties provide additional information;
- Schedule the parties for a hearing with a referee; or
- Schedule the parties for a court hearing.

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[6] The terms "NCP" and "CP" as used by Michigan's child support program are analogous to "payer" and "payee." It is possible for an NCP and CP to share custody, or the child may even spend more overnights with the NCP than with the CP.

[7] In certain scenarios, the 2021 MCSF allows a court to use its discretion without the result being considered a deviation. Ref: Subsection 3.3.2 of this manual section for information on eliminating ordinary cash medical support, and Subsection 3.2.5 of this manual section for information on modifying marginal percentages in extremely high family income cases.

[8] Ref: Section 2.20, "Court Action Referrals (CARs)," of the *Michigan IV-D Child Support Manual*.

[9] Ref: Section 3.45, "Review and Modification," of the *Michigan IV-D Child Support Manual*.

[10] MCL 552.517(1)(e) allows the court to ask the Friend of the Court (FOC) to conduct a review and modification of the child support order. MCL 552.505(h) allows the court to order the FOC to complete a support investigation. The court-referred support investigation is similar to the review and modification process but is not part of the review and modification activity. Ref: Section 3.45 of the *Michigan IV-D Child Support Manual* for more information.

[11] Ref: Subsection 3.6 of this manual section for more information on the CALCRSLT template.

[12] MCL 552.505(h) does not allow for an objection period in the court-referred support investigation process.

The referee or judge may ask the IV-D worker to prepare another recommendation(s).

In MiCSES, the IV-D worker may generate a recommendation(s) using either the *Uniform Child Support Recommendation and Order* (MiCSES FOC10) or the *Establishment Uniform Support Order* (5085),[13] indicating on the template that it is a recommendation.[14] The MiCSES FOC10 and the 5085 allow the IV-D worker to include instructions and timeframes for filing an objection.

MCL 552.517b(6)(a) requires a recommendation to state the calculations upon which the support amount is based. IV-D workers preparing a recommendation are required to use the MiChildSupport Calculator in MiCSES and the CALCRSLT template, which includes the calculations. The IV-D worker will pair the CALCRSLT template with a USO (the MiCSES FOC10 or 5085) when presenting a recommendation to the CP, NCP, and/or court for a 21-day objection period.

1.2 Orders

In Michigan, all child support orders must be prepared on the *Uniform Child Support Order* (USO) approved by SCAO.[15]

The USO is available on the SCAO website (SCAO FOC10) and in MiCSES (MiCSES FOC10). Both forms are the same; except in MiCSES, the FOC10 template includes the following forms in addition to the USO:

- A mailer page;
- The *Child Support Order Recommendation* (FOC10R); and
- The *Notice of Support Review Results* (RNMRVWRSLT), which serves as the cover letter.

Throughout this manual section, references to "USO" mean the MiCSES recommendation and support order entry process, unless otherwise indicated. Specific references to the SCAO form will include its full name, the *Uniform Child Support Order.*

A party submitting any order awarding child custody, parenting time, or support must file a *Judgment Information Form* (MiCSES form 5086).[16]

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[13] The 5085 is primarily used by Prosecuting Attorneys (PAs). The FOC10 and the 5085 are similar to the SCAO form, the *Uniform Child Support Order*. All three forms are also referred to as the USO. Ref: Subsection 1.2 of this manual section.

[14] Alternate versions of these forms are also available in MiCSES – FOC10B, FOC10R, FOC10S, 5085-41, 5085-82. The MiCSES FOC10B, or blank version, is the same as the MiCSES FOC10S; however, all fields are editable.

[15] Ref: Michigan Court Rule (MCR) 3.211(D).

[16] Ref: MCR 3.211(F)(2).

1.3   State Case Registry (SCR)

The State Case Registry (SCR) is a central registry of IV-D child support cases and all child support orders (including non-IV-D orders) in Michigan. Michigan is required to report these types of cases and orders to the SCR.[17] Michigan reports these cases through MiCSES.

In Michigan, some *Uniform Child Support Orders* are prepared by a private attorney, the parties, or anyone else outside of the FOC or PA office. IV-D workers will enter these *Uniform Child Support Orders* on the MiCSES *Order Preparation and Entry* (OPRE) screen to meet the requirement to report to the SCR. IV-D workers will also enter *Uniform Child Support Orders* for non-IV-D child support orders on the OPRE screen for this same purpose.

1.4   Establishment Process

MCL 722.1500 indicates that the IV-D agency will use procedures set forth in MCL 552.517b to establish the support obligation of a parent who is ordered to pay support under the Support and Parenting Time Enforcement Act[18] even if the IV-D agency using the procedures is not the FOC. The process of sending a recommendation and allowing the parties 21 days to object to the recommendation may expedite the support order establishment process.[19]

2.   Gathering Information and Imputing Income

2.1   Gathering Information

While gathering information, the IV-D worker will consider consolidating multiple dockets involving the same parents prior to creating a support calculation.[20]

The MCSF requires that the IV-D worker use information regarding income,[21] medical expenses, child care expenses, etc. to calculate and determine support.

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[17] Ref: Action Transmittal (AT) 2006-025, *Changing Michigan's IV-D Case Identifier to the Michigan Child Support Enforcement System (MiCSES) IV-D Case Number for Reporting to the Federal Case Registry (FCR)* and 45 CFR 307.11(e) and (f).
[18] Ref: MCL 552.601 to MCL 552.650.
[19] SCAO plans to publish policy on this in the future.
[20] Ref: Friend of the Court Bureau Memorandum *Amendments of Michigan Court Rules MCR 3.204 (Proceedings Affecting Minors) and MCR 3.212 (Postjudgment Transfer of Domestic Relations Cases)*.
[21] Tax information, including tax returns, when provided by a CP or an NCP, is not considered federal tax information for purposes of data confidentiality. This remains true when the tax information is included in the CALCRSLT template or other documentation. Ref: Section 1.10, "Confidentiality/Security," of the *Michigan IV-D Child Support Manual*.

The federal Office of Child Support Enforcement (OCSE) recommends that states use actual income information, rather than imputed amounts, whenever possible. Imputed income "may not result in a support order based upon ability to pay and, ultimately, may not be effective in collecting child support."[22]

Ensuring the appropriate level of support is one of the best approaches to ensuring compliance with an order. To this end, the IV-D worker will make a good-faith effort to conduct an investigation (discovery) of income information for the parties, including:

- Sending a second or subsequent request for information to the CP and NCP on open IV-D cases associated to the docket;
- Sending an employer disclosure to current or former employers;[23] or
- Requesting that the court issue a subpoena to the party and/or to the source of income to provide information.

Note: IV-D offices that regularly maintain information on the MiCSES *Member Employment History* (EHIS) screen may have better results when seeking employment information for a support calculation.

The IV-D worker may determine that there is insufficient information[24] to calculate a support amount (i.e., the IV-D worker does not have the information necessary to calculate support according to the MCSF). If the information is insufficient, the IV-D worker will attempt to find sufficient information using the *Member Income and Location Report* (MILR) (LC-001) and/or the *Income and Location Report* (ILR) (LC-002).[25]

IV-D workers will also search for actual income information:

- Through applications on the Federal Child Support Portal;[26] or
- Using third-party verification systems such as The Work Number, if available.

IV-D workers may also use these reports and sources to verify information provided by parties.

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[22] Ref: OCSE AT-12-01, *Turner v. Rogers Guidance*.

[23] Ref: MCL 552.518(4). A former employer must provide information concerning a person who has been employed within the previous three years as of the date of the request.

[24] Ref: Section 3.45 of the *Michigan IV-D Child Support Manual* for more information on insufficient information.

[25] Ref: Locate documentation on mi-support, the *MILR Business Objects Report Description*, and the *ILR Business Objects Report Description*.

[26] The Federal Child Support Portal was formerly known as the State Services Portal. For more information, reference Section 3.06, "Federal Child Support Portal," of the *Michigan IV-D Child Support Manual*.

The IV-D worker may ask a recipient of Social Security Administration (SSA) or Supplemental Security Income (SSI) benefits to provide verification of those benefits using the website *my Social Security*, located at www.ssa.gov/myaccount/.

2.2 Imputing Income

If the IV-D worker has made a good-faith effort but is unable to locate income information for a party or parties who have an ability to earn income, the IV-D worker may then impute income.[27]

Federal law requires the state system (MiCSES) to retain information pertaining to the establishment of support obligations.[28] The IV-D worker will document the steps taken to locate income information in a docket-level note on the MiCSES *Notes Processor* (NOTE) screen. The IV-D worker will then carefully follow the 2021 MCSF, Section 2.01(G), to calculate the amount of potential income to impute to a party. The 2021 MCSF prohibits imputing income based on generalized assumptions when calculating support.[29]

The MCSF includes 11 potential income factors that the IV-D worker must consider when imputing income.[30] The IV-D worker must evaluate and document how each factor applies to a party's ability to earn income.[31] If a factor does not apply to the potential income determination, then the IV-D worker must indicate that the factor is not applicable. The MiCSES Calculator allows for this information to be documented in an income note for the applicable party. When a IV-D worker checks the *Potential Income* checkbox on the *Financial* tab, the MiCSES Calculator will populate an income note with the 11 potential income factors.

The IV-D worker may obtain information useful in the imputation of income from the Occupational Handbook maintained by the U.S. Bureau of Labor Statistics at www.bls.gov, or from the Michigan Labor Market Information website at www.milmi.org. These sites include information on unemployment rates by county, as well as wage information for specific geographical locations and professions.

Note: If the IV-D worker has sufficient information that the NCP is earning

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[27] Ref: MCL 552.517b(6).
[28] Ref: 45 CFR 307.10(b)(4)(iv).
[29] Ref: 2021 MCSF 2.01(G)(4) for more information about what a IV-D worker should not do when imputing income.
[30] The 2021 MCSF added subfactors (earnings history; literacy; age, health and residence) to three of the 11 potential income factors. Ref: 2021 MCSF 2.01(G) for more information.
[31] Ref: the MiCSES 9.3 Release Notes, section: 2017 Michigan Child Support Formula – Support Calculation Updates regarding the potential income note and populating information in the 11 factors.

income (e.g., the CP reports that the NCP is working) but is not reporting it, the IV-D worker will use the income data found in the resources listed above as actual income. [32]

3. Calculating Support

3.1 Requirement to Use the Michigan Child Support Formula (MCSF)

The support recommendation and order must be prepared in accordance with the MCSF. [33] The MCSF contains requirements regarding income, deductions, estimating taxes, etc.

NCPs and CPs or their attorneys may provide a stipulated agreement for child support. A IV-D worker preparing an order may accept a stipulated agreement between the NCPs and CPs. If the stipulated agreement does not include a calculation prepared according to the MCSF, the IV-D worker will complete that calculation to properly determine whether the stipulation is, and the resulting order will be, a deviation from the MCSF. [34]

The IV-D worker is not required to complete a calculation if the stipulated agreement includes public Calculator results[35] that were calculated in accordance with the MCSF. IV-D workers should confirm that the public Calculator was the source by looking at the header and footer of the *MiChildSupport Calculator Results* printout. [36]

If the IV-D worker has an indication that the inputs used to create the calculation were not consistent with the MCSF, (s)he must complete a calculation to properly determine whether the stipulation is, and the resulting order will be, a deviation. [37] If the IV-D worker is entering an order based on a

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[32] The IV-D worker may also find clues regarding a party's profession or income using Facebook or other social media.

[33] Ref: 45 CFR 302.56(a).

[34] Ref: Subsection 3.5 of this manual section.

[35] The *MiChildSupport Calculator Results* printout displays the detailed results of the support calculation. Ref: Exhibit 1.35E1 of the *Michigan IV-D Child Support Manual*. It is similar but not identical to the MiCSES Calculator *Results* page. Users can print the *Results* page(s) in this initial version of the public Calculator; however, the printout will look different than the CALCRSLT template provided in the MiCSES Calculator.

[36] The header and footer sections of the public Calculator's printed results will always contain the title, "MiChildSupport Calculator Results," the date that the report was printed, and the page number of each page that is printed. The placement of data in the header and footer sections of the results page(s) will vary depending on which Internet browser was used. The format of the information in the printed results will not vary. Ref: Exhibit 1.35E1 of the *Michigan IV-D Child Support Manual* for a sample of the public Calculator's printed results.

[37] Ref: Section 1.35 of the *Michigan IV-D Child Support Manual*.

stipulated agreement that has already been signed by a judge, (s)he is not responsible for calculating support per the MCSF.[38]

3.2   Calculating Support in MiCSES

IV-D workers are required to use the MiCSES Calculator to calculate child support.[39]

IV-D programs have a federal requirement to maintain information concerning established support orders in their child support enforcement systems.[40] Michigan maintains support order data in MiCSES. Using the MiCSES Calculator to calculate child support will help IV-D staff meet the federal requirement and achieve an overall streamlined process because the calculation results can be imported into the MiCSES OPRE screen.

OCS recognizes that some IV-D staff may need the ability to complete a calculation in the courtroom or in another remote location. In May 2016, OCS made remote access to MiCSES and other IV-D information systems available to all county IV-D offices.[41] For situations where remote access is not elected by the IV-D director or has not been approved, the public Calculator can be used as a secondary option to address portability needs.[42] However, when remote access to MiCSES is available,[43] IV-D staff must not use the public Calculator instead of the MiCSES Calculator to calculate child support.

3.2.1   Providing Information for the Support Calculation

Federal regulations[44] require the IV-D program to track and analyze certain order and payment data, including the rates of default, to ensure that deviations from the guidelines are minimal and support order amounts are appropriate.[45] To better evaluate rates of default, the Michigan IV-D program will also collect data on the parents' engagement

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[38] SCAO plans to address more detailed information regarding stipulated agreements in future policy. Ref: MCL 552.605(3). Ref: Subsection 4.2.3 of this manual section for more information on an order signed by the judge.

[39] Prior to December 11, 2020, the MiCSES Calculator provided support calculations per the 2017 MCSF. After December 11, 2020, the MiCSES Calculator will provide support calculations per the 2021 MCSF. IV-D workers will be unable to create calculations using versions of the MCSF prior to 2021 in the MiCSES Calculator.

[40] Ref: 45 CFR 307.10(b)(4)(iv).

[41] Ref: IV-D Memorandum 2016-013, *Remote Access for County IV-D Offices*.

[42] Ref: the job aid *MiChildSupport Calculator Terminology Differences* for information on the differences between the terms used within the public Calculator and the MiCSES Calculator.

[43] Ref: IV-D Memorandum 2020-023 and Section 1.10 of the *Michigan IV-D Child Support Manual* for information on enabling remote access for IV-D users due to COVID-19.

[44] Ref: 45 CFR 302.56(h)(2).

[45] SCAO will be responsible for analyzing this data.

in the process of establishing[46] their orders. A default order may result even when a parent has engaged in the process of establishing support. SCAO will use this data to determine whether parents are engaged in establishing their orders and whether parental engagement impacts a parent's compliance with his/her order.

IV-D workers will document parental engagement when the support amount is calculated by identifying whether one or both parents provided information for the calculation of support. The information provided by parents may include, but is not limited to the following:

- Income;
- Family size;
- Health care;
- Child care; and
- Number of overnights.

Parents may submit information to the IV-D program verbally or in writing.

IV-D workers will indicate on the MiCSES Calculator and the OPRE screen whether either parent provided information for the support calculation.

A. MiCSES Calculator

   IV-D workers will make a selection in the *Provided Information for Support Calculation* field for each parent on the *List* page of the MiCSES Calculator. After selecting "new calculation," this field cannot be modified. However, information from this field populates the *Provided Info*[47] field on the MiCSES Calculator's *Family* tab. If either parent provides information later during the calculation of the support order, IV-D workers may change their selection in the *Provided Info* field. This field may be modified as long as the calculation is still in progress.[48]

B. OPRE Screen

   When the calculation is imported to the OPRE screen, MiCSES will transfer the information from the *Family* tab of the MiCSES Calculator

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[46] Ref: Subsection 5.1 of this manual section for information on documenting parental engagement after the support order amount is initially calculated and before the order is entered.
[47] Ref: *MiCSES Screen Description: CALC – MiChildSupport Calculator* for more information about completing the fields on the MiCSES Calculator.
[48] The calculation is editable when it is in progress and has not been imported to the OPRE screen.

to the OPRE screen in the *Provided Info* checkbox on the *Support Setup* tab*.* The IV-D worker may update this checkbox[49] if one or both parents provided or verified information after the calculation was imported to the OPRE screen.[50]

3.2.2 Creating and Duplicating Support Calculations in the MiCSES Calculator

A. Multiple IV-D Cases in a Single Calculation

A IV-D worker may use the MiCSES Calculator to create a support calculation that involves multiple IV-D cases.

Example 1:

The IV-D worker is able to enter information on the MiCSES Calculator for two children (Charlie and Charlotte), Mom, Dad, and a non-parent custodian, the Uncle.[51] These individuals are involved in three IV-D cases, which will all be included in the same support calculation:

- IV-D Case 1: Mom paying Uncle for Charlie's support;
- IV-D Case 2: Dad paying Uncle for Charlie's support; and
- IV-D Case 3: Mom paying Dad for Charlotte's support.

If multiple non-parent custodians are involved, the IV-D worker must complete a separate support calculation(s) for the other non-parent custodian(s).

B. Unattached Calculations

The IV-D worker may create a support calculation at any point – even before a IV-D case or docket is assigned, or before the individuals on the calculation become MiCSES members. This may be useful in situations when the parties are available in the office and there isn't a docket yet, or when an attorney representing a party requests a calculation prior to the creation of the docket.

These calculations are called "unattached calculations" since they are not yet attached to or associated with a docket. IV-D workers may

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[49] Ref: *MiCSES Screen Description: OPRE – Order Preparation and Entry* for more information on updating this checkbox on the OPRE screen.
[50] Updating the *Provided Info* field on the OPRE screen will not retroactively update the MiCSES Calculator.
[51] Per the MCSF, the MiCSES Calculator considers child care and medical expenses incurred by the non-parent custodian.

later import unattached calculations to the OPRE screen and attach them to a docket to prepare a recommendation and/or an order.[52]

Note: When possible, it is preferable for the IV-D worker to create a calculation from an existing docket,[53] rather than create an unattached calculation. When the docket is attached to the calculation, MiCSES will allow IV-D workers to select the CP(s), NCP(s), and children when they are available.

IV-D workers who create support calculations without a IV-D case must refer to IV-D Memorandum 2012-012, *Time Documentation*, for information on tracking IV-D and non-IV-D work in an office.

C. Duplicating Calculations

The IV-D worker may use MiCSES' functionality to duplicate support calculations, including unattached calculations, under certain circumstances.[54] For instance, if a judge asks that a support calculation be completed with two different sets of parenting time overnights – one to reflect the ordered parenting time and one to reflect what the NCP has reported – the IV-D worker could create a calculation, duplicate that calculation, and change only the parenting time overnights. This would be an appropriate duplication of a calculation.

The IV-D worker must review the inputs and end results when duplicating support calculations. Updates to the MiCSES Calculator functionality since the date of the original calculation may result in automatic changes to the duplicated calculation. Therefore, IV-D workers must thoroughly review all data to avoid unintended changes to the information in the support calculation.

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[52] For more information on importing calculations to the OPRE screen, reference the *MiCSES Quick Reference Guides: OPRE – Prepare a Support Order* and *OPRE – Prepare a Modification Order After Review*, *MiCSES Customer Information Guide: Support Calculation*, and Subsection 4 of this manual section.

[53] Some counties associate the docket to the new IV-D case on the OPRE screen before a IV-D case exists so that a docket-level note can be added. Ref: the *MiCSES Quick Reference Guide: OPRE – Create a Shell Docket* for more information on associating shell dockets.

[54] After December 11, 2020, calculations using the 2017 MCSF will be read-only and archived. IV-D workers will be able to duplicate those support calculations; however, factors that have been added, removed, and changed with the 2021 MCSF may affect those calculation results. Ref: Subsection 3.2.9 of this manual section for more information.

IV-D workers must not duplicate a support calculation for the purpose of imputing income using an office standard[55] that is uniformly applied to cases. Reference Subsection 2.2 of this manual section for more information on imputing income.

Duplicating a calculation is not the same as deviating on an input to a calculation. Refer to Subsection 3.5 of this manual section for more information on deviations from the MCSF.

3.2.3 Organization of Support Calculations in the MiCSES Calculator

The MiCSES Calculator saves and stores support calculations at the docket level.[56] Each docket indicates which IV-D case(s) is associated to it. Each individual support calculation may result in multiple paying situations (i.e., multiple IV-D cases may be involved).[57]

The IV-D worker may sort support calculations based on where the calculations are in the calculation process, and may edit,[58] archive, duplicate, or delete the calculations under certain circumstances.[59] This allows the IV-D worker to search for existing calculations, prioritize work, and remove from view any calculations that may no longer be necessary.

3.2.4 Income

Section 2.01 of the 2021 MCSF specifies what constitutes income for the purposes of a child support calculation.

The MiCSES Calculator allows a IV-D worker to enter a parent's income. Refer to the *MiCSES Customer Information Guide: Income and Deduction Types* for a list of income types used by the MiCSES Calculator and the taxes that the MiCSES Calculator will apply to each income type.

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[55] For example, an office may have a standard such as: "All parents' incomes are imputed at 35 hours per week at minimum wage." Applying generalized assumptions or standards, rather than determining an individual's actual ability and likelihood of earning income, violates case law and does not comply with MCSF 2.01(G)(4).

[56] 45 CFR 303.8 requires the review and modification of support orders, while 45 CFR 308.2 discusses the review and modification of a IV-D case. Although calculations are stored by docket in the MiCSES Calculator, the MiCSES review and modification process ensures that orders and IV-D cases are reviewed as required.

[57] Ref: *MiCSES Customer Information Guide: Support Calculation*.

[58] Editing a calculation is not the same as deviating from a calculation; reference Subsection 3.5 of this manual section.

[59] Any calculation provided to the parties and/or to the court, or any calculation used in a USO (recommendation or order) must be maintained in the MiCSES Calculator as a historical record and cannot be edited or deleted. Deleted calculations will be maintained in MiCSES per federal certification requirements but will not be viewable by IV-D workers.

IV-D workers will refer to the MCSF for information on how to handle income types involved in a child support calculation (e.g., when income should be considered self-employment income).[60]

3.2.5 Extremely High Family Incomes

To better account for families with extremely high income, the MCSF allows the court to use discretion to arrive at an appropriate support amount in high-income cases.[61] When a family's income greatly exceeds the highest income amount in the General Care Support Tables,[62] a IV-D worker may modify the marginal percentages[63] or fashion another outcome that ensures an appropriate amount of support based upon the family income. The IV-D worker will include that adjusted amount in his/her recommendation to the court.[64]

The "Extremely High Family Income" accordion[65] on the *Results* page of the MiCSES Calculator (and the public Calculator) allows a IV-D worker to document the modification of marginal percentages at each tier.[66] This accordion will appear on the *Results* page only when there may be an extremely high family income (income greater than $9,684 per month). The amounts calculated in the "Extremely High Family Income" accordion are the total base support amount, not the payer's base support amount. When a IV-D worker modifies the marginal percentages, a disclaimer will appear on the CALCRSLT template to indicate the modification; this information will also appear on the recommendation.

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[60] SCAO may issue further policy on this in the future.

[61] 2021 MCSF 3.02(E).

[62] Ref: 2021 MCSF Supplement 2.03.

[63] The MCSF Supplement provides a marginal percentage in the General Care Support Tables to apply to a range of income for calculating support.

[64] For examples of modifying marginal percentages, refer to the document MiChildSupport Calculator: Modify Base Support for Family with Extremely High Income Examples.

[65] "Accordion" refers to a section on the *Results* page of the MiCSES Calculator (and public Calculator) that users can interact with, expand, minimize, and apply changes to.

[66] A "tier" is used to indicate a support provision for multiple children that includes alternate amounts for fewer children.

Example 2:

The IV-D worker is completing a calculation for a family with three children in common, and the net family income is $55,000 a month. Dad was determined to be the payer with 75% of the Family Net Income. The *Results* page of the MiCSES Calculator alerts the IV-D worker that this calculation may have extremely high family income because the monthly net family income is significantly higher than $9,684 (the highest income amount on the General Care Support Tables using the 2017 MCSF Supplement). The IV-D worker may use her discretion to modify the marginal percentages applied to income.

Using the "Extremely High Family Income" accordion in the MiCSES Calculator, the IV-D worker modifies the marginal percentages applied to income between $25,000 and $50,000 for three children from 19% (as indicated in the General Care Support Tables) to 8%, for two children from 15% to 6%, and for one child from 10% to 4%.

The General Care Support Tables' marginal percentages will be applied to income from $9,684.01 to $24,999.99, the modified marginal percentages will be applied to income between $25,000 and $50,000, and no support will be calculated using income greater than $50,000.

This results in a total base support amount of $7,863 for the three-children tier, $6,161 for the two-children tier, and $4,072 for the one-child tier. Dad's percentage share of the Family Net Income was 75%, so his share of the total base support is $5,897.25 (75% of $7,863) for the three-children tier, $4,620.75 for the two-children tier, and $3,054 for the one-child tier. The IV-D worker is satisfied that these amounts are appropriate and just, and therefore, applies the base support changes to her support calculation. These changes are now included in the calculation results.

3.2.6   Deductions

2021 MCSF 2.07 allows for certain deductions from a parent's income when calculating child support. Refer to the MCSF for more information on allowable deductions, including the allowable deductions for travel expenses and a parent's self-coverage portion of health care premiums.

3.2.7   Taxes and Tax Estimates

The MCSF requires that a parent's "actual income taxes" be deducted from his/her income and, "if tax returns are not made available, taxes should be estimated based on the best available information."[67] The

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[67] Ref: 2021 MCSF 2.07(B)(2).

MiCSES Calculator provides tax estimates;[68] however, if the IV-D worker has been provided with actual tax information, (s)he may override the MiCSES Calculator estimates with the actual information.[69]

The Program Leadership Group has approved a list of sources that the Office of Child Support (OCS) uses to annually update the MiCSES *Yearly Calculation Factors* (GMCF) screen. The MiCSES Calculator bases its estimates on data stored on that screen.[70]

The MiCSES Calculator's tax estimates assume that a parent is paying Michigan income taxes; if a IV-D worker is aware of the parent's actual state tax rate paid in another state, (s)he will override the MiCSES Calculator estimates with the appropriate state's tax information.

A IV-D worker will override the tax estimates for a parent if that parent provides proof that his/her tax liability has been lessened by a tax credit. A IV-D worker will also count as income any refundable, **non**-means-tested tax credit that results in a parent's refund being greater than his/her taxes paid. A refundable, means-tested tax credit does not count as income for a parent under the MCSF.[71]

If a IV-D worker indicates that a parent lives and/or works in a municipality(ies) that assesses a local income tax, the MiCSES Calculator will estimate local taxes. When an individual lives and works in different municipalities and those municipalities assess different exemption amounts, the MiCSES Calculator will use the smaller exemption amount to estimate that parent's taxes.

If there is a city or municipality that assesses a local income tax but it is not currently tracked in the MiCSES Calculator, the IV-D worker will enter a Help Desk ticket so the MiCSES Calculator can be updated with that municipality's tax information the next time OCS updates the factors that go into the calculation.[72] In the meantime, the IV-D worker will manually enter the taxes assessed by the municipality in the MiCSES Calculator.

Note: When a IV-D worker includes an imputed income amount in a calculation, the MiCSES Calculator estimates the taxes on that

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[68] The MiCSES Calculator estimates federal and state income taxes, including Federal Insurance Contributions Act (FICA) and Medicare taxes, and local income taxes when applicable. Ref: *MiCSES Customer Information Guide: Support Calculation* and the MiCSES 8.13 Release Notes.

[69] Ref: *MiCSES Customer Information Guide: Support Calculation* and the MiCSES 8.13 Release Notes.

[70] For the 2021 tax year only, the increased Child Dependent Care Tax Credit and increased income phases were added to the GMCF screen.

[71] Ref: Section 2.04(A) of the 2021 MCSF for a discussion of means-tested income. Ref: irs.gov for information on which tax credits are refundable.

[72] OCS will update the factors in the MiCSES Calculator on an annual basis.

imputed amount. The MiCSES Calculator does not display taxes on imputed income separately from taxes on known income, but rather displays a single dollar amount for each tax category.

3.2.8 Medical Provisions

The MiCSES Calculator determines the reasonable cost of health care as a percentage (either 6% by default, or 0% when the IV-D worker deems it appropriate per the MCSF)[73] of a parent's actual and potential income. The IV-D worker has the ability to show the reasonable cost of health care in the MiCSES Calculator as either a percentage or a dollar amount. The Calculator will import whichever one the IV-D worker selects – percentage or dollar amount – to the OPRE screen.

If the IV-D worker prefers that the MiCSES Calculator show the reasonable cost of health care as a dollar amount, the Calculator will determine it as a percentage of the **parent's total actual income plus the parent's total potential income**, if any potential income has been included in the support calculation.

The MCSF allows for multiple interpretations in the calculation of reasonable cost when figuring the dollar amount stated in a support recommendation or in a proposed order. If the IV-D worker interprets the reasonable cost of health care to be a percentage of the parent's **actual income only**, the IV-D worker should opt to show the reasonable cost of health care as a percentage, rather than as a dollar amount, within the Calculator.[74]

Because the MiCSES Calculator only allows for the reasonable cost of health care to be set as 0% or 6%, any deviation from the MCSF on this amount must be captured as a deviation from the calculation results, rather than as a deviation to the Calculator inputs.[75]

3.2.9 MCSF Transitions

When a new MCSF[76] is implemented, both the MiCSES Calculator and the public Calculator will begin calculating in accordance with the current

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[73] Ref: 2021 MCSF 3.05(A)(2). The 2017 MCSF changed the reasonable cost of health care from 5% to 6%.

[74] According to SCAO, this is not considered a deviation since both interpretations in the calculation of reasonable cost (based on the parent's actual income or the parent's actual income plus potential income) follow the MCSF.

[75] Ref: Subsection 3.5.2 of this manual section for more information on calculation results and Calculator inputs.

[76] The MCSF is reviewed every four years. The most recent quadrennial review resulted in the new 2021 MCSF and MCSF Supplement.

MCSF. Each time the MCSF is updated, OCS will inform IV-D workers how to view and print calculations that were created using a previous version of the MCSF.

MiCSES functionality can be used to duplicate a calculation that used an earlier version of the MCSF.[77] However, IV-D workers must carefully review the duplicated calculation due to added, removed or changed factors that may affect the calculation results.

3.3 Medical Support Establishment

Federal and state laws require child support orders to include a provision for medical support,[78] which may include provisions for:

- Health care coverage;
- Cash medical support; and/or
- Birth expenses.

MiCSES-tracked health care provisions include:

- Who is ordered to provide health care coverage;
- The name of a third party who is allowed through the court order to supply a health care coverage obligation on behalf of an ordered party;
- The type of health care coverage (private or public) a party is ordered to provide;[79]
- The categories of health care coverage (medical, dental, vision) a party is ordered to provide;
- Dependents for whom health care coverage is ordered;
- The reasonable cost limitation for the order, at both the dollar and the percentage level;[80]
- Whether the order has an "accessible"[81] provision for the health care coverage;
- The effective date of the health care coverage provisions; and
- Health care coverage provisions, exceptions, or notes.

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[77] Ref: Subsection 3.2.2 of this manual section for more information about calculation duplication.
[78] Ref: Section 6.06, "Medical Support," of the *Michigan IV-D Child Support Manual*.
[79] Ref: Subsection 4.2.9 of this manual section for more information about health care coverage types.
[80] Ref: Subsection 3.3.1(A) of this manual section for a discussion of reasonable cost.
[81] Ref: Subsection 4.2.9(D) of this manual section for more information about accessible health care coverage.

3.3.1 Health Care Coverage

Michigan law[82] requires one or both parents to obtain or maintain health care coverage when it is available to them at a reasonable cost and is accessible.[83] Health care coverage includes both private and public coverage.[84] Public health care coverage includes government benefit programs such as Medicaid, Healthy Michigan Plan, and MIChild (Children's Health Insurance Program [CHIP]). Private health care coverage includes employer-paid health insurance and private self-coverage.

State law limits circumstances in which the court will order[85] or the FOC will recommend[86] that both parents provide health care coverage. Both parents may be ordered to provide health care coverage only when:

- Both parents already provide health care coverage; or
- Both parents agree to provide health care coverage.

A. Reasonable Cost

1. Reasonable Cost for Orders Entered After July 21, 2008

   45 CFR 303.31(a)(3) modifies the definition of reasonable cost and only applies it to orders established or modified after July 21, 2008. 45 CFR 303.31(a)(3) indicates that health insurance is considered reasonable in cost if the cost to the parent responsible for providing medical support does not exceed 5% of his/her gross income.

   However, 45 CFR 303.31(a)(3) also indicates that the state may opt to use an alternative income-based, numeric state standard. Michigan's current alternative income-based, numeric state standard for reasonable cost is defined in the 2021 MCSF.

   According to 45 CFR 303.31(a)(3), when applying the MCSF reasonable cost definition, IV-D workers will use the amount that it costs a parent to add the child(ren) to an existing coverage, or the difference between self-only and family coverage.

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[82] Ref: MCL 552.605a for more information on health care coverage.
[83] Ref: Subsection 3.3.1(B) of this manual section for more information on accessibility.
[84] Ref: 45 CFR 303.31, MCL 552.602(n), and MCL 552.502(p).
[85] MCL 552.605a(2)
[86] MCL 552.517(8)

2. Reasonable Cost for Orders Entered Before July 21, 2008

   Reasonable cost for orders entered prior to July 21, 2008 was defined by 45 CFR 303.31(a)(1). That definition considered health insurance "reasonable in cost if it is employment-related or other group health insurance, regardless of service delivery mechanism."

3. The MCSF Definition of Reasonable Cost

   The 2021 MCSF suggests court orders apply the following definition for reasonable cost:

   Except as otherwise ordered by the court, a reasonable cost to a parent for providing health care coverage for the children must not exceed 6% of the providing parent's gross income unless either of the two following factors applies:[87]

   - Parents with a net income below 133% of the federal poverty level or whose child is covered by Medicaid based on that parent's income will not be ordered to contribute toward or provide coverage, unless coverage is obtainable without any financial contribution by that parent; or

   - A parent's costs for providing health care coverage are unreasonable if the parent's total current obligation for support, child care expenses, ordinary health care expenses, plus the parent's net share of health care insurance exceeds 50% of the parent's regular aggregate disposable earnings.[88]

   If either of the above factors apply, then the 2021 MCSF states the reasonable cost for providing health care coverage is 0%. Because this is provided for in the MCSF, a 0% reasonable cost is not considered a deviation.

   Section 3.07(B)(2) of the 2004 MCSF provided the same content regarding the definition of reasonable cost; however, the more recent versions use slightly different language.

   The MCSF definition of reasonable cost set a standard limitation for orders established or modified after October 1, 2004. Therefore, orders established or modified between October 1, 2004 and December 2, 2016 will have a limitation of 5% on the

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[87] Ref: 2021 MCSF 3.05(A)(2).
[88] Ref: 2021 MCSF 3.05(A).

MiCSES OPRE screen, unless the IV-D worker entered a different percentage. After the MiCSES 9.1 Release (June 2016) a calculation from the MiCSES Calculator with a 0% reasonable cost will update the OPRE screen when imported. Orders established or modified after December 2, 2016, will have a limitation set at 6% or 0% as discussed above.

If the reasonable cost **percentage** deviates from the MCSF (an amount other than 6% or 0%), the IV-D worker will update the *Other Provisions* field in the *Order Details* tab of the OPRE screen and will later manually update the *Medical Order Provisions* (MORP) screen.[89]

If the reasonable cost **dollar amount** deviates from the MCSF, the IV-D worker will update the OPRE screen with that information, and MiCSES will later automatically update the MORP screen.

If an order has **not** been established or modified under the rules of the 2004, 2008, 2013, 2017 or 2021 MCSF, then the 45 CFR 303.31(a)(1) definition applies. This definition considers health insurance "reasonable in cost if it is employment-related or other group health insurance, regardless of service delivery mechanism."

B. Accessibility

Federal regulation requires health care coverage to be accessible as defined by the state.[90] The IV-D program in Michigan determines the accessibility of health care coverage by referencing the MCSF before making a recommendation to the court. Accessibility is defined in Section 3.05(A)(3) of the 2021 MCSF:

Health care coverage is presumed accessible if primary care services are covered within 30 miles or 30 minutes from any of a child's residences. Coverage may be considered at greater times and distances in areas where residents normally travel longer to access primary care services.

3.3.2   Cash Medical Support[91]

The MCSF establishes three different types of cash medical support:

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[89] Ref: Subsection 3.5 of this manual section for more information about deviations from the MCSF.
[90] Ref: 45 CFR 303.31(b)(1)(i).
[91] Ref: *Michigan IV-D Child Support Manual* Section 6.06 Subsection 2.2 regarding cash medical support.

- Routine/Remedial cash medical support;
- Ordinary cash medical support; and
- Additional medical support.[92]

The MiCSES Calculator allows the IV-D worker to indicate which parent incurs the majority of the uninsured medical expenses for all children on the calculation. If base support is zero after the parenting time offset equation has been applied, this indicator will help the MiCSES Calculator determine which parent is the payer.[93]

Under certain circumstances, the 2021 MCSF allows the court to use its discretion in eliminating the ordinary cash medical support/ordinary medical expense (OME) obligations.[94] IV-D workers may recommend in their support calculation that the court eliminate OME when:[95]

- Both parents routinely take one or more children-in-common for medical care and incur the qualifying medical expenses;
- The support payer will likely incur most of the qualifying out-of-pocket costs for the children;
- An incapacitated payer's base support obligation is set at zero;[96] or
- The recipient has an employer-paid benefit that pays the recipient's initial out-of-pocket expenses for the children.

Because federal and state laws require child support orders to include a provision for medical support,[97] IV-D workers must not eliminate OME unless one of the parents is recommended to provide health care coverage for the children. If health care coverage is not available at a reasonable cost to either parent, then IV-D workers will not eliminate OME.

The MiCSES Calculator (and the public Calculator) allow IV-D workers to eliminate OME obligations. The "Eliminate Ordinary Medical Expenses" accordion on the *Results* page of both the MiCSES Calculator and the public Calculator allows IV-D workers to document the tiers for which

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[92] Prior to the 2017 MCSF, "additional medical support" was referred to as "extraordinary cash medical support."

[93] Ref: *MiCSES Customer Information Guide: Support Calculation* and *MiCSES Screen Description: MiChildSupport Calculator*.

[94] 2021 MCSF 3.04(B)(3)

[95] If a IV-D worker eliminates OME in a case involving Medicaid, the Michigan Department of Health and Human Services may send a subsequent referral to establish medical support creating a new NO_CS_MS alert.

[96] Ref: Section 3.44, "Abatement," of the *Michigan IV-D Child Support Manual*, 2021 MCSF 4.02, and MCSF Supplement 3.04 for more information on incapacitated payers.

[97] Ref: MCL 552.605a(2) and 45 CFR 303.31.

they will eliminate OME, and the reason for doing so. When IV-D workers eliminate OME, a disclaimer will appear on the CALCRSLT template to indicate the modification; this information will also appear on the recommendation.

> **Example 3:**
>
> A IV-D worker is completing a calculation for a family with three children in common. The NCP works a night shift at a factory, while the CP works as a secretary from 9 a.m. to 5 p.m. Because the NCP works at night, he is able to routinely take the children to the doctor during the day. The NCP will be ordered to provide health care coverage.
>
> The IV-D worker uses his discretion and the "Eliminate Ordinary Medical Expenses" accordion on the *Results* page of the MiCSES Calculator to eliminate OME at all three support tiers. He checks the *Eliminate OME* checkbox at all three support tiers. Then he uses the drop-down menu to indicate his reason for eliminating OME: the support payer will likely incur most of the qualifying out-of-pocket costs for the children. Finally, he applies the changes.
>
> These changes are now included in the calculation results.

3.3.3 Birth Expenses

Birth expenses include the reasonable and necessary expenses in connection with a mother's pregnancy.[98]

3.4 Health Care Premium Adjustment (HCPA)[99]

The MCSF requires that base support be adjusted by adding the net health care premium attributable to the children (whether positive or negative) to the base support obligation. The MCSF does **not** include the HCPA in its calculation of base support.

The MiCSES Calculator includes the HCPA in the base support amount that it calculates. The base support amount, including the HCPA amount, is imported into the OPRE screen.[100]

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[98] Ref: Section 4.25, "Birth Expenses," of the *Michigan IV-D Child Support Manual*.
[99] Ref: 2021 MCSF 3.05(C)(1)(b).
[100] Base support appears in the *Subtotal* field on the OPRE screen's *Support Detail* tab.

3.5   Deviations[101]

3.5.1   Deviations From the MCSF[102]

Michigan law[103] allows deviations from the MCSF if the court determines that application of the MCSF would be unjust or inappropriate. The court must record information regarding the deviation, including the reason for the deviation and the support amount calculated by the MCSF, on the order. A IV-D worker creating a support recommendation may determine that the results of the support calculation are unjust or inappropriate; however, the judge ultimately makes that determination when signing the order.

Federal regulations[104] require that the IV-D agency (or its designee) review the child support formula every four years.[105] The agency must consider deviations from the formula as part of the review; therefore, IV-D workers will record deviations from the MCSF in MiCSES, and indicate whether the order follows the MCSF. Accurate data regarding the application of and deviation from the MCSF is critical since SCAO uses this information to determine if changes to the MCSF are necessary.

SCAO's *Uniform Child Support Order* includes a separate page, the *Uniform Child Support Order Deviation Addendum,* that must be completed when the order deviates from the MCSF. SCAO calls this page the FOC10d.

In MiCSES, language from the *Deviation Addendum* appears as part of the MiCSES FOC10 or the 5085 when the IV-D worker indicates that the order is a deviation; however, there is no separate FOC10d in MiCSES.

3.5.2   Deviating Within the MiCSES Calculator

There are two ways that a IV-D worker may deviate from the MCSF when calculating support:

- The IV-D worker may deviate on an **input** to the calculation (e.g., when it has been determined that the NCP's income from a second job should not be included in the calculation); and/or

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[101] Ref: Subsections 4.2.10 and 5.3 in this manual section for more information on deviations.
[102] Ref: 2021 MCSF 1.04(E) for more information on deviation factors.
[103] Ref: MCL 552.605.
[104] Ref: 45 CFR 302.56(e).
[105] MCL 552.519 gives the responsibility for maintaining the formula to SCAO.

- The IV-D worker may deviate from the **results** of the calculation (e.g., the MCSF results in a $200 monthly child support obligation, but the parties have a stipulated agreement for $250).

A. Deviating on an Input

When using the MiCSES Calculator, the IV-D worker will first calculate support according to the MCSF without deviating on any inputs. If the MCSF results in an unjust or inappropriate result, the IV-D worker will indicate that (s)he wants to deviate on an input(s), at which point the MiCSES Calculator will create a second calculation, indicating that it is a deviation from the original. This will create a relationship between the two calculations.

The IV-D worker must complete all deviation information required by the MiCSES Calculator.[106]

Michigan law[107] requires written reports associated to recommendations to include "the support amount determined by application of the child support formula." Therefore, the relationship between the two calculations will allow for the MCSF-calculated support amount to display on the CALCRSLT template for the support calculation with the deviated inputs. This relationship will also improve SCAO's quadrennial review of the MCSF.

Note: Deviating from a support calculation is not the same as editing a support calculation or a IV-D worker using his/her discretion.[108] Editing the calculation is appropriate when the IV-D worker is correcting a mistake to an input, changing an input based on new information, or creating a second or subsequent support calculation for the same parties.

B. Deviating From Results

When the IV-D worker completes a support calculation using the MiCSES Calculator and then deviates from that result because the calculated amount has been determined unjust or inappropriate, this is not recorded within the MiCSES Calculator. The IV-D worker will record this type of deviation, including the reason for the deviation and the specific support types affected by the deviation, on the OPRE screen after importing the calculation.[109]

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[106] Ref: *MiCSES Customer Information Guide: Support Calculation* and the MiCSES 8.13 Release Notes.
[107] Ref: MCL 552.517b(6)(a).
[108] Ref: Subsections 3.2.5 and 3.3.2 of this manual section.
[109] Ref: Subsection 4.2.10 of this manual section.

3.5.3 Deviation Reasons

The MCSF includes reasons to deviate from the guidelines, including:

- Child with non-parent custodian[110] has significant overnights with NCP;
- Non-modifiable spousal support prior to October 2004;
- Child care exceeds 50% of base support; and
- NCP incurs significant OME.[111]

The 2021 MCSF updated the cost-benefit deviation factor. This factor applies when a support calculation result does not exceed $20,[112] and the administrative cost to enforce the order outweighs the benefit of the minimal amount a IV-D worker may deviate from the MCSF.[113] A IV-D worker may deviate from the MCSF by recommending a zero-support order[114] or by increasing the amount of support to a level that balances the cost of enforcing the order. IV-D office managers may establish an office-wide policy regarding this option.

This is not a comprehensive list of deviation reasons. IV-D workers should familiarize themselves with all deviation reasons provided in the MCSF.[115]

3.6 *Calculation Results* (CALCRSLT) Template

The MiCSES Calculator allows the IV-D worker to print the CALCRSLT template. This template is used to explain the calculation to CPs, NCPs, attorneys and judges. It has two sections – *Summary* and *Details*. The *Summary* section may be used to provide a high-level overview of the calculation; however, it may not be used without the *Details* section.[116] The *Details* section meets statutory requirements outlined in MCLs 552.505 (for court-referred support investigations), 552.507a, 552.517b, and 552.605.[117]

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[110] "Non-parent custodian" was previously referred to as "third party custodian."

[111] The corresponding reason codes were implemented in MiCSES with the 8.2.3 release (December 2012).

[112] This amount was increased from $15 in the 2017 MCSF.

[113] This deviation reason is represented by the reason code "NO" on the *Med/Dev Detail* tab of the OPRE screen, and was implemented in MiCSES with the 9.3 release on December 2, 2016.

[114] For more information on zero-support orders, reference Section 5.20, "Obligation – Entry, Modification and Adjustments," of the *Michigan IV-D Child Support Manual*.

[115] Ref: 2021 MCSF 1.04(E).

[116] The IV-D worker can print just the *Details* section, or both sections; however, the IV-D worker cannot generate the *Summary* section alone.

[117] SCAO plans to publish policy on this in the future.

The CALCRSLT template indicates whether the included tax amounts are estimates or whether the IV-D worker manually entered the amounts. The CALCRSLT template also indicates when the IV-D worker has:

- Included any imputed income in the calculation;
- Eliminated OME;
- Documented whether one or both parents provided information for the support calculation;[118]
- Modified the marginal percentages for an extremely high family income case;
- Documented the Health Care Coverage (HCC) Type;
- Determined the obligation end date and whether the order includes post-majority support;[119] and
- Documented whether one or both parents claim the child(ren) on their federal taxes every year or in alternating years for the Child Tax Credit.[120]

Note: Tax information included on the CALCRSLT template, when provided by a CP or an NCP, is not considered federal tax information. Refer to Subsection 2.1 of this manual section for more information.

4. Preparing the Recommendation or Court Order

A recommendation must state the calculations upon which the support amount is based.[121]

IV-D workers preparing a recommendation may use the CALCRSLT template to provide the calculations. The IV-D worker will pair the CALCRSLT template with a USO (the MiCSES FOC10 or 5085) when presenting a recommendation to CPs, NCPs, and/or the court for a 21-day objection period.

When the IV-D worker imports the results of the MiCSES Calculator into MiCSES to prepare a recommendation or order,[122] MiCSES will automatically associate the calculation with:

- The recommendation resulting from the child support calculation; and

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[118] Ref: Subsection 3.2.1, "Providing Information for the Support Calculation," in this manual section.
[119] "Post-majority support" means a child support order continues to have a charging obligation past the child's 18th birthday. Ref: Subsection 4.2.1, "Order End Dates," in this manual section for more information on recording the obligation end date.
[120] The Child Tax Credit is used to estimate and reduce the federal tax burden for parents receiving the credit and may increase the amount available to calculate the child support obligation. For more information, reference IV-D Memorandum 2021-013, *Child Tax Credit and Retirement, Survivors, and Disability Insurance (RSDI) Dependent Benefits Updates.*
[121] Ref: MCL 552.517b(6)(a).
[122] Ref: *MiCSES Customer Information Guides: REVMD – Review and Modification Activity Chain* and *CTRSI – Court Referred Support Investigation Activity Chain.*

- The order resulting from the child support calculation.

The IV-D worker may import information from the MiCSES Calculator to the OPRE screen, or the IV-D worker may enter the information on the OPRE screen manually and generate the FOC10 or 5085, indicating that it is a recommendation.

If the IV-D worker is conducting a review or is working toward the initial establishment of an order, (s)he will send the recommendation to the court, the parties, and the attorneys for a 21-day objection period before it is entered as an order.

Because the recommendation and order processes are tied closely together, and because the IV-D worker is likely using the information from the recommendation when (s)he creates and/or records the order, both the order and recommendation processes are discussed together in this subsection.

4.1 Order Establishment

In the initial establishment of a child support order, PA staff prepare a USO in reaction to a CAR.[123]

4.1.1 Preparing a USO Prior to Docket Assignment

PAs may begin preparation of the USO before a docket is filed with the court, if local office practice accommodates it. The OPRE screen allows PA staff to search by CAR[124] rather than by docket ID if the court has not yet assigned a docket.

In this case, once MiCSES associates the CAR and the docket,[125] the OPRE screen will ask the IV-D worker whether to convert the OPRE record to a docket-based record. This means that the OPRE record will no longer be searchable by CAR, but will be searchable by docket ID instead. Generally, the IV-D worker must convert the OPRE record to a docket-based record as early in the USO creation process as possible.

A IV-D worker may import an "unattached calculation" prepared on the MiCSES Calculator to an OPRE record.[126]

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[123] Ref: Section 2.20 of the *Michigan IV-D Child Support Manual.*
[124] Ref: *MiCSES Quick Reference Guide: OPRE – Search by Docket or Master CAR*.
[125] MiCSES associates a CAR and docket when a IV-D worker has entered a docket on the *Legal Case* (LCSE) screen for the CAR number shown in the OPRE screen's *Master CAR* field.
[126] Ref: *MiCSES Quick Reference Guides: OPRE – Prepare a Support Order* and *OPRE – Prepare a Modification Order After Review*, *MiCSES Customer Information Guide: Support Calculation*, and Subsection 3.2.2(B) of this manual section.

4.1.2 Multiple CARs for the Same IV-D Case and Docket Combination

If multiple CARs exist for the same IV-D case and docket combination, the IV-D worker will close or link the CARs not used in the creation of the USO. Otherwise, the multiple CARs may inappropriately appear as if further IV-D effort is needed to establish support orders for children associated to those CARs. Additionally, these extraneous CARs may appear in reports generated from the *Legal Case List Selection* (LLST) and *Legal/Establishment Management* (LRPT) screens.

- If the IV-D worker uses multiple CARs to create a single USO, the IV-D worker will link the children on those CARs on the LCSE screen.[127]
- The IV-D worker will appropriately close all CARs for the same docket and IV-D case combination that are not used in the creation of the USO. The IV-D worker will also close any dismissed CARs.[128]

4.2 All Recommendations and Court Orders

The following information is pertinent to:

- The establishment of the initial child support order;
- Subsequent reviews and modifications of the order; and
- Court-referred support investigations.[129]

4.2.1 Order End Dates

The *Uniform Child Support Order* requires the court to indicate a specific end date for a specific child's support obligation.[130] The USO provides standard language for the child support obligation to end on the last day of the month that the child turns 18, unless indicated otherwise by checking a box for post-majority support. If post-majority support is ordered (i.e., the appropriate box on the *Uniform Child Support Order* is checked), the court must order a specific end date for the child support obligation.

When preparing a recommendation, the IV-D worker must recommend a date certain to end the child support obligation. Ensuring the appropriate level of child support (i.e., right-sizing orders) is an element of the Michigan Child Support Program's Strategic Plan. A child continuing to attend high school after his/her 18th birthday has an increased need for

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[127] Ref: *MiCSES Quick Reference Guide: LCSE - Linking a Child from One CAR to Another CAR*.
[128] Ref: *PA Job Aid: CAR Processing*. Dismissed CARs must be set to "O" or "P" to avoid inclusion in the LLST and LRPT reports.
[129] Ref: Section 3.45 of the *Michigan IV-D Child Support Manual.*
[130] Ref: MCL 552.605b.

support since (s)he is generally unable to support herself/himself while attending high school full-time.

Conversely, a child completing high school before his/her 18th birthday could be expected to support herself/himself upon turning 18. Consequently, at both the establishment of a support order and in subsequent reviews of the order, IV-D workers will recommend orders with a specific end date that is **the later** of either the last day of the month of the child's 18th birthday or a date that meets the criteria for post-majority support.

A. Recommending an End Date at Order Establishment

When preparing a recommendation for the establishment of the support order, the IV-D worker will propose that post-majority support be ordered for any child who will turn age 18 and:

- Has a reasonable expectation of completing sufficient credits to graduate from high school; and
- Who will be attending high school full-time while living full-time with a support recipient or in an institution.

IV-D workers should identify the final day of the child's graduation month[131] along with the graduation year as the recommended end date in the USO, unless there is evidence that the child will not be attending high school, or will attend less than full-time, after the age of 18.

The IV-D worker will propose post-majority support and use the final day of the month along with the year the child turns 19 ½ as the recommended end date if the child:[132]

- Will not complete high school until after age 19 ½;
- Is attending high school full-time;
- Has a reasonable expectation of completing high school; and
- Is residing with a parent.

If the child is not attending high school past the age of 18 or does not have a reasonable expectation of completing sufficient credits to graduate, the IV-D worker must not recommend post-majority

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[131] A graduation date is easier for a IV-D worker to predict or estimate, and is generally the same month as the child's last day of attending high school.
[132] Ref: SCAO Administrative Memorandum (ADM) 2012-10, *Prorating, End-dating, and Converting Support Orders to Monthly Amounts*.

support. The support obligation will end on the last day of the month that the child reaches age 18.

B. Recommending an End Date at Order Modification

Unless there is evidence that the existing order precludes modification of its end date, it is appropriate for the IV-D worker to recommend a changed end date if new information regarding the child's expected high school graduation date is available.

The IV-D worker must follow the guidance from Subsection 4.2.1(A) of this manual section for recommending an end date.

If the support order indicates that it was not the court's intent for support to continue, the IV-D worker should recommend the same end date as the last order.

When reviewing an order with standard end-date language from a *Uniform Child Support Order* dated before January 1, 2015, IV-D workers will recommend post-majority support following the guidance in Subsection 4.2.1(A) of this manual section. IV-D workers will not recommend post-majority support if there is evidence that the existing order precludes the modification of its end date.

Example 4:

Jerome will turn 18 in January 2020 and will graduate from high school in June 2020. His existing support order indicates an end date of January 31, 2020. The judge has indicated specific reasons that post-majority support was not ordered in the order's Other Provisions. OCS suggests that FOC staff review the order, if and when appropriate, and recommend that support end on January 31, 2020.

C. Calculating and Recording the Order End Date

The MiCSES FOC10 and 5085 include obligation end dates. IV-D staff may use the MiCSES Calculator to calculate the obligation end date for all recommended orders, including those that have post-majority support. IV-D workers may recommend post-majority support when the requirements for post-majority support are met.[133]

The obligation end date will be calculated in the MiCSES Calculator on the *Family* tab based on the child's date of birth, if one exists in the MiCSES Calculator. If IV-D workers determine that they should

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[133] Ref: Subsection 4.2.1 of this manual section for more information on post-majority support.

recommend post-majority support, they can calculate the obligation end date for post-majority support using the child's anticipated high school graduation date.[134]

The obligation end date calculated in the MiCSES Calculator will populate in the OPRE screen's *Obligation End Date* field. If post-majority support is included,[135] the *PM* (post-majority) checkbox on the OPRE screen's *Support Setup* tab will be checked. The date in the *Obligation End Date* field on the OPRE screen will populate the *Member Demographics* (DEMO) screen's *Emancipation Date* field and the obligation end date on the USO.[136]

4.2.2   Order Entry Methods

IV-D workers will complete the *Entry Method* field on the OPRE screen to accurately identify how the judge's signature was obtained on an order. SCAO uses this data, along with other order and payment data, as part of the mandated quadrennial reviews to analyze and improve the effectiveness of the MCSF.

The values for the *Entry Method* field on the OPRE screen[137] are:

- FOC 21-Day Proposed Order;
- Consent Order;
- Judicial Hearing;
- Default with Hearing (Entry of Judgment);
- Default Without Hearing (Entry of Proposed Judgment);
- Referee Recommendation/Hearing;
- Judicial De Novo (Objection to Referee Recommendation);
- Private/Unknown;
- Other State's Order; and
- Administrative.

Note: When selecting a value, IV-D workers will select "judicial hearing" when no other value applies.

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[134] Ref: *MiCSES Screen Description: CALC – MiChildSupport Calculator* for more information on the CALC screen.
[135] Ref: *MiCSES Screen Description: OPRE – Order Preparation and Entry* for more information on the OPRE screen.
[136] Ref: Subsection 5 of this manual section for information on finalizing the USO.
[137] This list of values was revised on January 24, 2020. Ref: *MiCSES Screen Description: OPRE – Order Preparation and Entry* for more information on these values.

4.2.3 Order Types

Michigan uses the order type to report its IV-D caseload to OCSE. It is important that IV-D workers accurately report active order types (e.g., judgment, modification, temporary, ex parte) in MiCSES. Inaccuracies in the order type may result in the under-reporting of active orders.

The IV-D worker will enter the order type on the OPRE screen as follows:[138]

A. Entering Dismissal, Ex Parte, or Temporary Order Types

If the court dismisses an order, the IV-D worker will indicate it on the OPRE screen.

If the court indicates that the issued order is an ex parte or temporary order, the IV-D worker will indicate the order type on the OPRE screen.

Currently, MiCSES does not automatically select ex parte or temporary orders for review and modification. IV-D workers will manually monitor these order types to ensure the IV-D program is meeting federal standards for review and modification.[139]

B. Entering Judgment Order Types

IV-D staff will track the first non-temporary, non-ex parte order on a IV-D case as a judgment on the OPRE screen.

C. Entering Modification Order Types

The IV-D worker will indicate on the OPRE screen that the order is a modification under the existing docket when the order is not:

• An ex parte order;
• A temporary order; or
• The first order on the IV-D case.

D. Multiple IV-D Cases Associated to a Single Docket

If there are multiple IV-D cases associated to a single docket, the IV-D cases may have different order types. The *Support Order Entry*

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[138] Ref: *MiCSES Screen Description: OPRE – Order Preparation and Entry.*
[139] Ref: Section 3.45 of the *Michigan IV-D Child Support Manual.*

(SORD) screen maintains only one order type for each docket; therefore, it cannot accurately reflect multiple order types.[140]

When multiple IV-D cases associated with a single docket have different order types, the IV-D worker will update the SORD screen as follows:

- If only one of the IV-D cases has an active order type, the IV-D worker will update the *Order Type* field on the SORD screen with that type; or
- If multiple IV-D cases have active order types, the IV-D worker will update the *Order Type* field on the SORD screen with the most recent active order type.

If a court order has been dismissed, and a IV-D case associated to the docket has an active order type, the IV-D worker will not update the order type on the SORD screen. Doing so may cause the open IV-D case to be inappropriately excluded from federal reporting. Instead, the IV-D worker will indicate on the NOTE screen that the court order for the IV-D case/docket combination has been dismissed.

In any instance when multiple IV-D cases associated to a single docket have different order types, the IV-D worker will enter the order type on the SORD screen as indicated above and also indicate the order type for each IV-D case on the NOTE screen.

4.2.4   Judge's Signed Date and Order Effective Dates

The IV-D program tracks the judge's signed date for the purposes of determining when the next three-year review and modification is due.[141]

The IV-D worker will enter the judge's signed date on the USO as the order signed date on the OPRE screen. The IV-D worker will also enter the order effective date.[142] The order effective date is the earliest support effective date indicated on the USO. If the USO does not have a support effective date, the IV-D worker may enter the judge's signed date.

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[140] Help Desk ticket CS-IT0000048333 has been entered to allow the tracking of multiple order types on the SORD screen.
[141] Ref: Section 3.45 of the *Michigan IV-D Child Support Manual.*
[142] MiCSES does not use the order effective date for review and modification purposes.

4.2.5 Multiple Plaintiffs and Defendants

The IV-D worker will identify the plaintiff and defendant on the recommendation or order.

MiCSES will normally populate the OPRE screen with the proper plaintiff and defendant; however, MiCSES has a small number of dockets where more than one plaintiff and/or defendant with a member ID inappropriately exist on the LCSE screen.[143]

If this occurs, the OPRE screen's *Docket Persons* tab will display multiple plaintiffs and/or defendants. The IV-D worker will select which plaintiff and/or defendant MiCSES will push to the *Docket Persons* (DPRS) screen.

4.2.6 Multiple Tiered Grids

The MiCSES Calculator allows the IV-D worker to create a support calculation with multiple payer/payee scenarios. The OPRE screen allows the IV-D worker to create a USO that encompasses up to four different ordered amounts depending on the circumstances of the case. Each of these scenarios is a "tiered grid."[144]

A single recommendation or order may encompass multiple suggested ordered amounts, depending on the circumstances of the case. This allows the IV-D worker to use a single recommendation or order for all parties on a docket rather than multiple USOs to accomplish the same result. This may result in less confusion for parties and less paperwork for the IV-D program.

IV-D workers will enter the tiered grids on the OPRE screen in chronological order. That way, the grids will appear in chronological order when the IV-D worker generates the USO template, and this will make it easier for parties to understand.

The IV-D worker must import or enter the calculation results to the OPRE screen for each IV-D case and set the appropriate effective date or event for each tiered grid.

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[143] Help Desk ticket CS-IT0000046535 documents this known issue in MiCSES.

[144] When multiple scenarios appear on a USO, the USO repeats items 1 and 2 on the form, creating a different "tiered grid" of children and support amounts for each scenario. The first tiered grid appears with numbers 1a and 2a, the second with 1b and 2b, and so on. If there is a deviation from the MCSF for more than one tiered grid, MiCSES will generate multiple instances of the *Deviation Addendum* and indicate which tiered grid each instance of the *Deviation Addendum* addresses. Ref: Subsection 3.5 of this manual section for more information about deviations.

If the IV-D worker wishes to create an order or recommendation that encompasses more than four different tiered grids, (s)he will prepare multiple USOs based on multiple OPRE records.[145]

Note: If there are multiple children on a single IV-D case, IV-D workers will keep the tiered grids with the same children on a single USO.[146]

The recommendation or order may need provisions for:

- Multiple payers or payees;
- Changing support amounts depending on time-limited circumstances of one or both of the parents;
- An anticipated change in parenting time overnights; or
- Other variables.

Example 5 (Multiple Payers):

The court ordered Millicent Mother to pay Gertie Grandma. The court also ordered Freddie Father to pay Gertie Grandma. A single USO can accommodate both of these IV-D cases.

Example 6 (Multiple Payees):

The court ordered Freddie Father to pay Millicent Mother, who has custody of Donnie Dependent. The court also ordered Freddie Father to pay Gertie Grandma, who has custody of Danielle Dependent. A single USO can accommodate both of these IV-D cases.

If the order contains multiple tiered grids, those tiered grids may have different tiered grid effective dates. Each tiered grid will become effective:

- On a date certain; or
- Upon the occurrence of an event.

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[145] Ref: *MiCSES Quick Reference Guide: OPRE – Prepare a Modification Order After Review.*
[146] If IV-D workers do not keep the tiered grids with the same children on a single USO in this situation, MiCSES may push inaccurate information to the MORP screen.

Example 7 (Time-Limited Circumstances):

The court ordered Millicent Mother to pay support to Freddie Father. Millicent is currently receiving unemployment, so the IV-D worker uses the MCSF to calculate a support amount based on her unemployment earnings.

Millicent Mother has received a job offer. She will earn three times as much as her unemployment earnings when she begins her new job in two months.

The IV-D worker will use the MCSF to calculate the support amount with the income from the new job. The IV-D worker may include this support amount, which is for a different time period, on the USO that has the support amount based on Millicent's unemployment earnings. A single USO can accommodate the same IV-D case multiple times with different effective dates.

Example 8 (Tiered Grid Begins on Occurrence of Event):

Freddie Father is incarcerated. The court orders zero support, effective today. The court also orders a support amount to be paid upon Freddie's release from prison. The date is not certain; the IV-D worker must indicate on the USO that this tiered grid is effective "upon Freddie Father's release from incarceration."

If none of the USO's tiered grids includes an effective date that begins on a date certain, but rather all the grids are effective upon the occurrence of an event, and none of those events has yet occurred, the IV-D agency must properly record the order. To do this, the IV-D worker must indicate on the OPRE screen that the order is a zero-support order. This will ensure federal reports correctly reflect that the IV-D case has a support order which used the MCSF or deviated from the MCSF.[147]

4.2.7   Payer and Payee Switching Roles

If the IV-D worker is preparing an order or recommendation that involves the payer and payee switching roles (i.e., the payer becomes the payee and the payee becomes the payer), the IV-D worker can accommodate this in a single USO by including multiple tiered grids. In this instance, if a MiCSES IV-D case does not exist for the parties in the new roles, the IV-D worker will create a new MiCSES IV-D case.[148]

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[147] Ref: Section 5.20 of the *Michigan IV-D Child Support Manual* for more information on zero support orders.
[148] Some IV-D offices associate the docket to the new IV-D case prior to the creation of the order so they can maintain docket-level notes within MiCSES.

Example 9 (Payer and Payee Switch Roles):

Millicent Mother and Freddie Father have two children – Donnie and Danielle Dependent. Millicent and Freddie have similar incomes, similar tax filing statuses, etc.

Donnie, the older child, spends 365 parenting time overnights with Freddie in a year, while Danielle spends 180 parenting time overnights with Freddie.

Given the circumstances, the IV-D worker uses the MCSF to determine that Millicent will pay support to Freddie; however, when Donnie emancipates and Danielle is the only dependent remaining, Freddie will pay support to Millicent.

On the existing MiCSES IV-D case, Millicent is the NCP and Freddie is the CP.

If a MiCSES IV-D case with Millicent as the CP and Freddie as the NCP does not exist, the IV-D worker will create a new MiCSES IV-D case.

This new IV-D case is based on the same IV-D application or referral on which the existing IV-D case was opened. The parties to the new IV-D case are already on an existing IV-D case; only the **roles** of the parties are different in the new IV-D case. Because a MiCSES IV-D case is a specific combination of CP, NCP, and dependents, the IV-D worker will open a new MiCSES IV-D case to accommodate the new support recommendation.

When the IV-D worker opens a new IV-D case in this situation, (s)he will enter the date (s)he opened the new IV-D case in all *Signed Request* fields on the *Case Member Details* (CASE) screen, and record the action taken in MiCSES on the NOTE screen.[149]

The worker **must not** enter the return date of the original application or the open date of the original IV-D case in the *Signed Request* fields on the CASE screen. Entering these incorrect dates will make it appear that the IV-D worker took more than 20 calendar days to open a IV-D case after referral.[150]

If the IV-D worker creates a new MiCSES IV-D case for a recommendation and that case is not used when the court issues the order, the IV-D worker will close the newly created MiCSES IV-D case.[151]

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[149] Ref: *MiCSES Quick Reference Guide: Add Notes on the NOTE Screen*.
[150] Ref: 45 CFR 303.2. Ref: Section 2.05, "Referrals and Applications," of the *Michigan IV-D Child Support Manual* for more information on applications and referrals for IV-D services.
[151] Ref: Section 3.50, "Case Closure," of the *Michigan IV-D Child Support Manual*.

4.2.8 Average Number of Overnights for Children

In the MCSF, the average number of parenting time overnights is used to calculate the child support amount. The USO identifies the average number of parenting time overnights for **each individual child**.

IV-D workers calculating child support amounts using the MiCSES Calculator will enter the actual number of parenting time overnights for each child in the MiCSES Calculator and will be able to import that actual number to the OPRE screen.

4.2.9 Medical Support

Child support recommendations will state that one or both parents[152] will provide health care coverage. By definition, "health care coverage" includes both private and public coverage.[153] IV-D staff will make recommendations that allow parents to meet their health care coverage obligations by providing public **or** private health care coverage. The goal of allowing parents to provide either is to ensure children have health care coverage, regardless of its source.

IV-D staff will record the USO medical support provisions for a recommendation or order on the OPRE screen. MiCSES will push the data from the OPRE screen to the MORP screen when the IV-D worker finalizes the USO. IV-D workers may not manually add new medical support provisions to the MORP screen; however, they may update existing provisions.[154]

IV-D workers will enter medical support orders and medical support information timely in MiCSES.[155]

A. Documenting the Health Care Coverage Type on the MiCSES Calculator

IV-D workers must complete the *HCC Type* field on the *Health* tab in the MiCSES Calculator for the parent(s) who is ordered to provide health care coverage.[156] The *HCC Type* field will be enabled after the

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[152] Ref: Subsection 3.3.1, "Health Care Coverage," of this manual section for information on when it is appropriate to order both parents to provide health care coverage.
[153] Ref: 45 CFR 303.31(a)(2) and MCL 552.502(p).
[154] Ref: *MiCSES Quick Reference Guide: MORP – Update Medical Order Provisions*.
[155] Ref: *Michigan IV-D Child Support Manual* Section 6.06 for federal reporting requirements regarding medical support.
[156] Ref: *MiCSES Screen Description: CALC – MiChildSupport Calculator* for more information about completing the fields on the MiCSES Calculator.

IV-D worker selects whether one or both parents are recommended to provide health care coverage. The *HCC Type* field defaults to "Private or Public," and when the IV-D worker imports the calculation into the OPRE screen, MiCSES will automatically populate the *HCC Type* field(s) on the OPRE screen. There are three options for the *HCC Type* field:

- Private or Public – IV-D workers will select this option when the order does not specify whether the health care coverage must be private or public. IV-D workers will always select this option when creating a recommendation on IV-D cases.

- Private Only – IV-D workers will select this option when the order specifies that the health care coverage must be private. Also, IV-D workers will select this option if the order has the standard insurance provision in paragraph 2 of the USO.[157]

- Public Only – IV-D workers will select this option when the order specifies that the coverage must be public.[158]

B. Effective Dates

The cash medical and medical insurance provisions may have different effective dates. The effective date for cash medical provisions is the same as the support order effective date of the USO; the effective date for medical insurance provisions is the date the judge signed the USO.[159]

A single recommendation or order may encompass multiple ordered amounts (tiered grids) depending on the circumstances of the case.[160] If the order has multiple tiered grids that do not have effective dates, but rather are effective with the occurrence of an event (e.g., payer begins a new job, sale of the marital home, etc.), MiCSES will push the medical provisions associated with the first tiered grid on the USO to the MORP screen when the IV-D worker finalizes the USO.

If the tiered grids have effective dates, MiCSES will push the medical insurance data to the MORP screen in chronological order when the IV-D worker finalizes the USO.

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[157] This language appears in USOs not generated in MiCSES.
[158] Since eligibility for public health care coverage is determined outside of the IV-D program, OCS anticipates few, if any, orders will require public health care coverage only.
[159] The obligation to provide insurance cannot occur prior to the date the court issues the order.
[160] Ref: Subsection 4.2.6 of this manual section for information on tiered grids.

If there is a delay in entering the USO, one or more of the events specified in the USO may have already triggered a later tiered grid to become effective. In this situation, the IV-D worker will manually correct the record that MiCSES pushed to the MORP screen.

C. Reasonable Cost of Health Care Percentage

The USO has a checkbox which indicates that the reasonable cost of health care is "not to exceed 6% of the plaintiff's/defendant's gross income."[161]

If the recommendation or order reflects that a parent's reasonable cost of health care is any percentage other than 6% of gross income, the IV-D worker will uncheck the box and indicate the reasonable cost of health care percentage in the USO's Other Provisions.

If only one of either the plaintiff or defendant has a reasonable cost of health care percentage of 6%, the IV-D worker will indicate this on the OPRE screen. When this occurs, the USO will generate with only "plaintiff's" or "defendant's" instead of "plaintiff's/defendant's."

The USO is designed to display **either** a dollar amount or a percentage for the reasonable cost of health care. If both are populated on the OPRE screen, both will display on the USO, but it may confuse readers of the USO. To avoid this confusion, OCS recommends that IV-D workers **not** enter both on the OPRE screen, unless they are entering an already prepared USO that displays both.

The OPRE screen will automatically populate the MORP screen if the payer and/or payee has a reasonable cost of health care percentage of 6%. If the USO reflects any other percentage, the IV-D worker will manually update the MORP screen. The reasonable cost of health care percentage appears on the MORP screen and also appears on the EHIS screen to aid IV-D staff when talking with employers.

D. Accessible Insurance Coverage[162]

When the court orders medical coverage, the IV-D worker will indicate this in MiCSES. If the court no longer orders medical coverage because the coverage is no longer accessible, IV-D staff

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[161] Ref: Subsection 3.3.1(A) of this manual section for a discussion of the 6% reasonable cost of health care percentage.
[162] Ref: Subsection 3.3.1(B) of this manual section. Also refer to 2021 MCSF 3.05(A)(3) for more information on accessibility.

will indicate this on the MORP screen and enter a note on the NOTE screen[163] in MiCSES. If the court does not enter medical coverage due to reasons other than accessibility, the IV-D worker will not enter anything on the MORP screen regarding the accessibility of insurance coverage.

E. Medical-Support-Only Orders

Medical-support-only orders are orders that address only medical obligations. If the IV-D worker indicates on the OPRE screen that the order is a medical-support-only order, MiCSES will push that information to the MORP screen when the IV-D worker finalizes the order. If the order addresses only medical support because the court used the MCSF to determine that monetary child support should be zero,[164] the IV-D worker will indicate this as a zero support order on the OPRE screen.

Refer to Section 6.06 of the *Michigan IV-D Child Support Manual* for information on medical-**enforcement**-only cases.

4.2.10 Recording a Deviation in MiCSES[165]

A deviation from the MCSF may be a deviation on an input or a deviation to the result of the calculation.[166]

When a IV-D worker is using the MiCSES Calculator to deviate on the value of an input to the calculation, (s)he may enter or import the Calculation ID of the deviated calculation into the MiCSES OPRE screen, and the deviation information will be automatically populated. When the IV-D worker is deviating on the *result* of a calculation, (s)he must manually enter the deviation information on the OPRE screen.

When manually entering an order or recommendation directly onto the OPRE screen, or when deviating on a result from the MiCSES Calculator, the IV-D worker will select the deviation reason(s) on the *Med/Dev Detail* tab on the OPRE screen. The worker may select multiple reasons.

Note: The formula amount recorded on the OPRE screen is the amount of support calculated according to the MCSF, **not** the difference between the support amount calculated according to the MCSF

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[163] Ref: *MiCSES Quick Reference Guide: Add Notes on the NOTE Screen*.
[164] Ref: *Michigan IV-D Child Support Manual* Section 5.20 for information on zero support orders.
[165] Ref: Subsections 3.5 and 5.3 of this manual section for more information on deviations.
[166] Ref: Subsection 3.5.2 of this manual section for more information.

and the support amount recommended due to the deviation factor(s).

The IV-D worker will ensure that the USO accurately records all of the information about the deviation and fulfills the statutory criteria.[167] When a IV-D worker enters deviation information on the MiCSES OPRE screen, that information will populate the *Deviation Addendum* on the MiCSES FOC10 or 5085.

If the IV-D worker is entering a *Uniform Child Support Order* that was prepared by a private attorney, by the parties, or by anyone else outside of the FOC or PA office, (s)he will assume that the order follows the MCSF unless the order states otherwise, or unless (s)he is presented with contrary information.

If a deviation reason is provided on the USO prepared by a private attorney, by the parties, or by anyone else outside of the FOC or PA office, and the reason for the deviation is not provided on the *Med/Dev Detail* tab on the OPRE screen, the IV-D worker will choose "OT – Other" and enter a note in the *Other Dev Info* box explaining the reason for the deviation.

If a USO prepared outside of the FOC or PA office does not include a reason for a deviation from the MCSF, and the worker is presented with information that leads him/her to believe the order does indeed deviate from the MCSF,[168] the worker will update the OPRE screen accordingly. The IV-D worker will indicate that the order deviates from the MCSF and that it does not state the reason.

4.2.11 Other Provisions

IV-D workers will include all provisions on the recommendation or order. The *Order Detail* tab on the OPRE screen allows the IV-D worker to enter other provisions to the recommendation or order. These other provisions appear in item 13 of the USO.

After the IV-D worker finalizes the order, the IV-D worker may import information from the OPRE screen to the *Obligation Maintenance* (OBLG)[169] screen, which MiCSES maintains at the IV-D case/docket level.

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[167] Ref: MCL 552.605.
[168] For example, the support amount is not what the MCSF would have calculated, etc.
[169] Ref: Section 5.20 of the *Michigan IV-D Child Support Manual.*

If the IV-D worker enters other provisions on the OPRE screen, MiCSES makes those provisions available:

- On the MORP screen, when the IV-D worker finalizes the order on the OPRE screen; and
- On the OBLG screen, when the IV-D worker imports information from the OPRE screen to the OBLG screen.

If there are other provisions available on the MORP and/or OBLG screens, the IV-D worker will determine whether the manual entry or update of additional information is necessary on the MORP and/or OBLG screens.

If there are multiple IV-D cases represented on the USO, the IV-D worker will enter the other provisions on the *Order Detail* tab of the OPRE screen with enough information so that any IV-D worker looking at the OBLG screen can identify which provisions belong to which IV-D case.

4.2.12 Generating the Recommendation and *Judgment Information Form*

The IV-D worker will verify that the OPRE screen contains all the information required for the recommendation before (s)he generates the USO. The recommendation must also include the calculations upon which the recommended support amount is based.[170] If a IV-D worker generates the *Judgment Information Form* (MiCSES form 5086), (s)he will first update information on the *Custody/Birth Exp* tab of the OPRE screen.[171]

5. Finalizing the USO

The USO becomes final the date the judge signs it. The judge may sign a USO that was prepared by a private attorney, by the parties, or by anyone else outside of the FOC or PA office. The judge may also sign a USO that was prepared by someone in the IV-D program. To fulfill the requirement to report all support cases to the SCR,[172] the IV-D worker will enter the order information on the OPRE screen. If the IV-D worker completed the recommendation information on the OPRE screen, the IV-D worker will also verify that the information on the OPRE screen properly reflects the information on the USO signed by the judge before finalizing the order in MiCSES. Finalizing the order includes marking the checkbox that indicates whether the final order follows the recommendation.

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[170] Ref: MCL 552.517b(6)(a).
[171] MiCSES allows a IV-D worker to finalize an OPRE record even if data on the *Custody/Birth Exp* tab is not updated.
[172] Ref: Subsection 1.3 of this manual section.

The IV-D worker will then finalize the order by clicking the *To SORD* button. Clicking this button indicates that the judge has signed the USO and that it is final within MiCSES. It changes the OPRE record from an active record to a historical one. The historical OPRE record documents the order details, as signed by the judge, in MiCSES.

Clicking the *To SORD* button also sends information from the OPRE screen to the SORD screen and to other screens in MiCSES.[173]

5.1   Parental Participation

Federal regulations require that the IV-D program track and analyze order and payment data, including the rates of default.[174] To assist SCAO in determining whether parental engagement impacts order compliance, the IV-D program will track parental engagement after the new or modified support order amount is calculated and before the order is entered.[175] Engagement during this period is determined by whether or not the parents participated in any way during this period. Participation includes, but is not limited to, providing verbal or written documentation, completing questionnaires, attending hearings, or participating in mediation or interviews.

The IV-D worker will document whether each parent participated by making a selection in the *Participation* field on the *Order Detail* tab on the OPRE screen. IV-D workers will identify whether the plaintiff, defendant,[176] neither, or both participated. If IV-D workers do not know whether either party participated, they will select "Unknown."

5.2   Changes to the Signed USO

If the judge made any changes to the recommendation before signing it, the IV-D worker will update the OPRE screen with these changes prior to clicking the *To SORD* button.

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[173] Ref: *MiCSES Screen Description: OPRE – Order Preparation and Entry.*
[174] Ref: 45 CFR 302.56(h)(2). SCAO will analyze the data that is tracked in MiCSES when it reviews the guidelines.
[175] Ref: Subsection 3.2.1 of this manual section for information about documenting parental engagement when calculating the support order amount.
[176] "Plaintiff and "defendant" are used here rather than "parent" so that the terminology is consistent with the way parties are identified on the OPRE screen.

> **Example 10 (Judge Makes a Change):**
>
> The IV-D worker generates a recommendation and presents it to the judge. The judge crosses out an amount and writes in something else, and then signs the USO. The IV-D worker will update the OPRE screen to reflect the actual USO as signed by the judge before clicking the *To SORD* button on the OPRE screen.

5.3   Pushing Deviations to the SORD Screen[177]

When the USO reflects a deviation from the MCSF, and the IV-D worker enters the deviation onto the OPRE screen or imports it from the MiCSES Calculator, MiCSES copies the deviation information from the OPRE screen to the SORD screen at the time the IV-D worker finalizes the OPRE record.

When a IV-D case/docket combination on the OPRE screen includes multiple deviation reasons, clicking the *To SORD* button will result in the SORD screen indicating that multiple reasons exist; however, it will not document each individual reason.

When the IV-D worker enters the order on the OPRE screen or imports it from the MiCSES Calculator and the USO includes multiple tiered grids for the same IV-D case and docket combination, the OPRE screen will copy the deviation information for only **one** of those grids to the SORD screen (it will copy the information for the tiered grid with the lowest number of all the tiered grids[178] for that IV-D case/docket combination).[179]

> **Example 11 (Multiple Tiered Grids and Multiple IV-D Cases Push to the SORD Screen):**
>
> An order has three tiered grids, involving two IV-D cases. Tiered Grid 1 and Tiered Grid 2 are associated to IV-D Case 1. Tiered Grid 3 is associated to IV-D Case 2. Tiered Grid 1 deviates from the MCSF for multiple reasons, and those multiple reasons are reflected on the OPRE screen. Tiered Grid 3 also deviates from the MCSF. Deviation information from the OPRE screen will populate the SORD screen for Tiered Grid 1 (the grid with the lower number of the two tiered grids associated with that IV-D case/docket combination) and will display as "multiple reasons." The specific reason for deviating shown on the OPRE screen will also populate for Tiered Grid 3 since it is the only tiered grid for that particular IV-D case/docket combination and it only has one deviation reason code selected.

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[177] Ref: Subsections 3.5 and 4.2.10 of this manual section for more information on deviations.

[178] Tiered grids are numbered on the OPRE screen by their position among the other tiered grids and the total number of tiered grids. For instance, "2/3" represents the second of three tiered grids.

[179] Ref: *MiCSES Screen Description: OPRE – Order Preparation and Entry.*

In these situations, IV-D workers will refer to the OPRE screen for complete deviation information.

5.4   Next Review Date

Federal[180] and state[181] laws provide requirements for the review and modification of child support orders,[182] including how often the IV-D program must conduct reviews. MiCSES tracks review dates to ensure the IV-D program meets these requirements.

When a IV-D worker finalizes the initial order associated to a IV-D case, this action will update the *Nxt Rvw Dt* field on the *Review and Modification Processor* (REVP) screen.

MiCSES will automatically update the *Nxt Rvw Dt* field:[183]

- When it sends the *Notice of Support Review* (RNMRVWNOT);
- When it automatically sends an eligibility notice (RNMELIGLTR); and
- During a court-referred support investigation, when a IV-D worker indicates the recommendation has been provided to the court, parties, and attorneys.

Note: The *Nxt Rvw Dt* field notifies IV-D workers when MiCSES will send the next *Notice of Support Review*. The date in the *Nxt Rvw Dt* field may not be the date that a case is eligible for review. MiCSES may send a notice even if the previous review was not completed.

5.5   Error Correction

IV-D workers may use the OPRE screen's order correction functionality[184] if they discover discrepancies between the signed USO and the OPRE screen after the USO is finalized.

If PA staff discover an error:

- On the same day the OPRE record is finalized (i.e., the day the *To SORD* button is clicked), they may correct the order using the order correction functionality on the OPRE screen; or

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[180] Ref: 42 USC 666(a)(10).
[181] Ref: MCL 552.517.
[182] Ref: Section 3.45 of the *Michigan IV-D Child Support Manual.*
[183] Help Desk ticket 476544 requests further analysis of review termination reasons since some termination reasons (e.g., review opened in error, review opened on the wrong docket) should result in the MiCSES next review date being reverted back to the next review date that existed prior to the opening of the review.
[184] Ref: *MiCSES Quick Reference Guide: OPRE – Correct Order Entry Errors*.

- After the day the OPRE record is finalized, they will contact the FOC office and convey the need for a correction. At this point, IV-D workers may have already entered obligations and started enforcement of the order; therefore, PA staff will notify the FOC of the error.

6. *Emancipation Notification Letter* **(FEN803)**

The FEN803 is generated 60 days prior to a child's emancipation date for orders with accruing child support and/or medical support obligations. It notifies the parent that the support obligation is scheduled to end soon.

The FEN803:

- Explains that support orders usually end when the child turns 18 or when the child graduates from high school, but not after the child turns 19 ½;
- Does not include a specific order end date but informs the parent that the support order includes the specifics of when the order will end;
- Requests information about the child's school attendance and graduation;
- Notifies the parent that (s)he may need to file a motion to change the order end date; and
- Requests that the parent notify the FOC if the child is no longer attending high school or no longer living full-time with the parent.

The purpose of the FEN803 is two-fold. It gives parents an opportunity to notify the FOC or to file a motion if the order end date needs to change. Secondly, responses to the FEN803 give the FOC information needed to calculate a specific order end date for those orders entered prior to January 1, 2015. Before that date, the USO did not require a specific end-date for orders that included post-majority support.

The FEN803 will automatically generate for all orders entered prior to January 1, 2015. For orders entered after January 1, 2015, IV-D offices have options for generating the FEN803. Some IV-D offices may wish to continue sending the FEN803 as a reminder to parents that the child support order will end soon and, if applicable, the action needed to change the order end date. (Ref: Subsection 6.1.)

IV-D offices also have the option to suppress subsequent FEN803s (Ref: Subsection 6.2).

IV-D offices will select their preferences for generating and/or suppressing the FEN803 by updating their profile on the *County Profile Information Editor* (FCPE) screen.[185]

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[185] Ref: *MiCSES Customer Information Guide: FCPE Screen Impact on Forms* for more information on how to update county options on the FCPE screen.

6.1   Options for Generating the FEN803

Orders entered on or after January 1, 2015 will include specific end dates for orders that include post-majority support. Consequently, issuing the FEN803 to assist the FOC in determining the end date in those situations may not be necessary. However, IV-D offices may continue sending the letter as a courtesy to parents or as a way to confirm that the obligation end date is still accurate for orders that include, or do not include, post-majority support.

IV-D offices may choose one or none of the following options for generating the FEN803:

- Continue generating the FEN803 on all orders;
- Only generate the FEN803 on child support orders with an obligation end date on the last day of the month of the child's 18th birthday; or
- Only generate the FEN803 on child support orders that include post-majority support.[186]

If the IV-D office does not select any of the options above, the FEN803 will not generate on any orders with an effective date on or after January 1, 2015.

6.2   Suppressing Subsequent FEN803s

After receiving a parent's response to a FEN803, a MiCSES user may update the child's emancipation date recorded in MiCSES. Typically, MiCSES will generate another FEN803 60 days prior to the newly revised emancipation date. This could result in the parent receiving two FEN803s in quick succession.

A IV-D office may choose to suppress subsequent FEN803s from being generated on the same case for the same child within a defined number of days. The IV-D office will update the FCPE screen with the number of days during which subsequent FEN803s will not generate.

The suppression option will allow IV-D offices to prevent subsequent FEN803s from being generated when the office has already gathered the necessary information from the initial FEN803. This will prevent the generation of forms that may not provide useful information and/or will reduce the confusion that may result when a parent receives multiple forms.

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[186] This includes all orders that end between the child's 18th birthday and the last day of the month of the child's graduation from high school, but not later than when the child turns 19 ½.

Example 12:

Amy will turn 18 on March 31, 2021, and the FEN803 will generate 60 days prior to her birthday on January 30, 2021.

The IV-D office has opted not to generate a subsequent FEN803 for the same child within 90 days of generating a previous FEN803. This means that a FEN803 will not generate for Amy before April 30, 2021.

On March 1, 2021, the IV-D office updates Amy's emancipation date to May 31, 2021 to include post-majority support. This change would normally prompt another FEN803 to generate on April 1, 2021. However, the FEN803 will not generate because the IV-D office has chosen not to generate another FEN803 until after April 30, 2021.

SUPPORTING REFERENCES:

Federal
42 USC 666(a)(10)
45 CFR 302.56(a)
45 CFR 302.56(e)
45 CFR 302.56(h)(2)
45 CFR 303.2
45 CFR 303.8
45 CFR 303.31
45 CFR 303.31(a)(1)
45 CFR 303.31(a)(2)
45 CFR 303.31(a)(3)
45 CFR 303.31(b)(1)(i)
45 CFR 307.10(b)(4)(iv)
45 CFR 307.11(e) and (f)
45 CFR 308.2

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State
MCL 552.502(p)
MCL 552.505
MCL 552.505(h)
MCL 552.507a
MCL 552.517
MCL 552.517(1)(e)
MCL 552.517b
MCL 552.517b(4)
MCL 552.517b(6)
MCL 552.517b(6)(a)
MCL 552.517(8)
MCL 552.518(4)

MCL 552.519
MCL 552.519(3)(a)(vi)
MCL 552.601 to MCL 552.650
MCL 552.602(n)
MCL 552.605
MCL 552.605(3)
MCL 552.605a
MCL 552.605a(2)
MCL 552.605b(3)
MCL 722.1500
MCR 3.211(D)
MCR 3.211(F)(2)

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