

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

<b>Publication/ Revision Date:</b> July 17, 2023	<b>Chapter Number:</b> 4.0	<b>Chapter Title:</b> Order Establishment
	<b>Section Number:</b> 4.85	<b>Section Title:</b> Agency Placement – Establishment

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**1. Overview**

This manual section discusses options for Prosecuting Attorneys (PAs)<sup>1</sup> to establish paternity without a charging support obligation for agency placement IV-D cases.<sup>2</sup> It also discusses filing agency complaints, and the differences between child support orders and reimbursement orders for agency placement cases. This manual section is specific to cases that the Michigan Department of Health and Human Services (MDHHS) Children’s Services Administration (CSA) refers to the IV-D program through the interface between the Michigan Statewide Automated Child Welfare Information System (MiSACWIS) and MiCSES.<sup>3</sup>

**2. Processing Court Action Referrals (CARs)<sup>4</sup> for Agency Placement Cases**

Support specialists (SSs) will send a CAR to the PA based on the case conditions of the agency placement referral. The court with jurisdiction over the court case is the circuit court for the county where the court order placing the child with MDHHS was entered (the removal court order).<sup>5</sup> This jurisdiction remains intact even if MDHHS places the child in a different county or state.

<sup>1</sup> In this manual section, “PA” refers to the PA or to IV-D staff in the PA office. It also includes Friend of the Court (FOC) staff who conduct IV-D establishment services in PA/FOC combined offices.

<sup>2</sup> Foster care cases in which a child is under the care and custody of MDHHS are referred to as “agency placement” cases in the Michigan Child Support Enforcement System (MiCSES).

<sup>3</sup> Ref: [Section 2.85, “Agency Placement – Case Initiation,” of the Michigan IV-D Child Support Manual](#) for a detailed discussion regarding the CSA request to not establish new support obligations for agency placement referrals.

<sup>4</sup> Ref: [Section 2.20, “Court Action Referrals \(CARs\),” of the Michigan IV-D Child Support Manual](#) for more information on CARs.

<sup>5</sup> Ref: [State Court Administrative Office \(SCAO\) Administrative Memorandum \(ADM\) 2008-01, Ordering Child Support in Child Protective Proceedings](#), for more information.

## 2.1 Referral to the PA

If paternity establishment services are needed, the SS will send a Paternity (DP) CAR through MiCSES to the PA for processing. The SS will indicate in a IV-D case note on the MiCSES *Notes Processor* (NOTE) screen that:

- MDHHS is legally responsible for the care and custody of the child; and
- MDHHS is requesting paternity establishment but is not requesting a monetary order for support.

If paternity has been established for the child(ren) on the agency placement case(s), the SS will not send a CAR to the PA to establish a child support order for the parent(s). Instead, the SS will close the IV-D case with the reason code “MZ – Case Merged/Opened in Error.”<sup>6</sup> The SS will enter a IV-D case note on the MiCSES NOTE screen stating that IV-D services are not applicable because paternity has been established for the child(ren).

The SS will also send an email informing the CSA worker that paternity has been established, the method of paternity establishment,<sup>7</sup> and that the IV-D case has been closed. Providing paternity information to the CSA worker can mean additional options for permanent placement of the child.

Upon receiving the DP CAR,<sup>8</sup> PA staff will evaluate the IV-D case information and:

- Determine the location<sup>9</sup> of the parent(s) as needed; and
- Attempt to establish paternity by:
  - Advising the parties of their right to voluntarily sign an *Affidavit of Parentage* (AOP); or
  - Initiating a paternity action with the court.

The CSA worker will provide any additional information (s)he may have available to initiate the court action.<sup>10</sup> This includes information needed for completion of the general testimony in intergovernmental cases.

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<sup>6</sup> Ref: [Section 3.85, “Agency Placement – Case Management,” of the Michigan IV-D Child Support Manual.](#)

<sup>7</sup> Ref: [Section 4.05, “Paternity Establishment,” of the Michigan IV-D Child Support Manual](#) regarding paternity establishment.

<sup>8</sup> MiCSES will generate an AGP\_ON alert. Ref: Section 3.85 of the *Michigan IV-D Child Support Manual* for more information about notifications for agency placement cases.

<sup>9</sup> Ref: [Section 3.05, “Locate,” of the Michigan IV-D Child Support Manual.](#)

<sup>10</sup> It is the responsibility of the assigned CSA worker to take a child under MDHHS care to any and all appointments. The contact information for the worker is located in MiCSES on the SACWIS Case Information (SCWS) screen or on the Business Objects *MiSACWIS Child History* (QN-014) report.

### 2.1.1 Advising the Parties of Their Right to Voluntarily Sign an AOP

The PA may advise the parties of their right to voluntarily sign an AOP. If the parties sign the AOP, the PA will not seek a child support order on behalf of MDHHS. Instead, the PA will:

- Close the CAR;
- Close the IV-D case with the closure reason code “MZ – Case Merged/Opened in Error”;<sup>11</sup>
- Add a IV-D case note on the MiCSES NOTE screen explaining the IV-D case closed because CSA requested paternity only and the PA obtained an AOP; and
- Send an email informing the CSA worker that the parties signed the AOP, and the IV-D case has been closed. Providing paternity information to the CSA worker can mean additional options for permanent placement of the child.

### 2.1.2 Initiating a Paternity Action With the Court<sup>12</sup>

If the parties do not voluntarily sign an AOP, the PA may ask the court to establish paternity through a court order.<sup>13</sup> Initiating a paternity action with the court may result in the establishment of a child support amount pursuant to the Michigan Child Support Formula (MCSF).<sup>14</sup>

As requested by the CSA, the PA must make a good-faith effort to seek a non-charging support order. This includes non-charging child support, medical support, and health care obligations. The PA will have flexibility to determine the best option to address child support obligations when establishing paternity for agency placement IV-D cases.

As statute permits and the court approves, options include but are not limited to:

- Recommending a zero-support order with case-specific and/or foster care-specific deviation reasons;
- Recommending holding a support amount in abeyance; or

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<sup>11</sup> After a thorough review of case closure codes and MiCSES actions in these situations, the Office of Child Support (OCS) determined that “MZ” is the best reason code for closing foster care cases. OCS will reevaluate as new closure codes become available in the future.

<sup>12</sup> When the child is in MDHHS care, the IV-D worker must file an agency complaint to start paternity establishment proceedings. Ref: Subsection 3, “Filing an Agency Complaint With the Circuit Court,” in this manual section.

<sup>13</sup> Ref: Section 4.05 of the *Michigan IV-D Child Support Manual* for more information on paternity establishment.

<sup>14</sup> Michigan Compiled Law (MCL) 552.519(3)(a)(vi) requires use of the [MCSF](#) in calculating child support. Ref: [Section 4.20, “Support Recommendations and Order Entry,” of the Michigan IV-D Child Support Manual](#) for a detailed discussion about support recommendations using the MCSF.

- Asking the court to reserve support with or without a specific clause for a future support review.

Further discussion of these options is provided in Subsections A through C further below.

Regardless of which option the IV-D worker uses, (s)he will close the agency placement IV-D case once there is an order establishing paternity. The IV-D worker will close the IV-D case with the “MZ – Case Merged/Opened in Error” closure reason code.<sup>15</sup> The IV-D worker will also:

- Enter a MiCSES IV-D case note on the NOTE screen explaining the IV-D case closed because CSA requested paternity only; and
- Send an email informing the CSA worker that there is an order establishing paternity, and the IV-D case has been closed. Providing paternity information to the CSA worker can mean additional options for permanent placement of the child.

Note: Closing an agency placement IV-D case on MiCSES will not close the court order. However, the IV-D worker, as a matter of discretion, may keep the case open as a non-IV-D case once paternity has been established with no accruing support. If the IV-D worker decides to keep the case open, (s)he will update the *Case Type* field on the MiCSES *Case Member Details (CASE)* screen to “L – Non-IV-D Case.”

CSA understands that in the process of establishing paternity, some courts may order the parent to pay support pursuant to the MCSF despite the PA’s efforts to do otherwise. When the court orders a charging support obligation resulting from this IV-D activity, CSA asks the IV-D program to enforce the support order.

#### A. Recommending a Zero-Support Order<sup>16</sup>

When recommending a deviation of support to zero from the results of the MCSF, the IV-D worker may determine an applicable deviation reason.<sup>17</sup> The following are examples of case-specific and foster care-specific deviation reasons IV-D staff may consider when recommending a zero-support order for agency placement cases.<sup>18</sup>

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<sup>15</sup> The authority to close the agency placement IV-D case is under 45 Code of Federal Regulations (CFR) 303.11(20).

<sup>16</sup> Ref: [Section 5.20, “Obligation – Entry, Modification and Adjustments,” of the Michigan IV-D Child Support Manual](#) for a detailed discussion regarding zero support orders.

<sup>17</sup> Ref: 2021 MCSF 1.04(E) for a comprehensive list of deviation reasons.

<sup>18</sup> These deviation reasons may also apply if the court requests a deviation to an amount other than zero.

## 1. Case-Specific Deviation Reasons

When preparing the reasons for deviating to zero, a IV-D worker with access to the neglect abuse (NA) case file or other sources may consider the following, similar, or a combination of case-specific reasons:

- The parent is required to attend various activities in accordance with his/her foster care case services plan such as therapy, counseling, job training, school, etc., that would prevent the parent from obtaining regular employment;
- The parent must save earnings in order to obtain suitable housing for himself/herself and the child(ren) in foster care;
- The parent's only source of income is a means-tested income; or
- It is anticipated that the child(ren) will be returned to the parent within XX days. The cost to collect and enforce support for such a short time period would exceed the benefit of the amount of support to be paid this period.

## 2. Foster Care-Specific Deviation Reasons

When preparing the reasons for deviating to zero, a IV-D worker with or without access to the underlying NA case file or other sources may consider the following, similar, or a combination of foster care-specific reasons noted below. CSA, OCS, and MDHHS acknowledge and support the following statements.

- Support payable to MDHHS will not assist in permanency planning and/or reunification of the child;
- The amount recommended by the MCSF is nominal and the costs to collect and enforce support would exceed the benefit of support;
- MDHHS, as the payee of the support obligation, has asked the court not to require support from the parent;
- The non-parent caregiver or facility where the child is placed is already receiving financial support from MDHHS for the general care and needs of the child;
- The non-parent caregiver or facility will not receive payable child support under an order; or
- Child support may create a financial burden for the parent that will not benefit the child because the support is sent to MDHHS.

## B. Recommending the Court Hold the Support Amount in Abeyance

The IV-D worker may calculate the support due using the MCSF but recommend the court hold the support order amount in abeyance until:

- MDHHS is no longer making foster care maintenance payments; and
- The child is no longer under MDHHS's care and custody.

## C. Asking the Court to Reserve Support

The IV-D worker may ask the court to reserve support with or without a specific clause for a future support review.

## 2.2 Transferring Agency Placement Cases

IV-D staff may transfer cases to other IV-D offices based on local established business practices while continuing to adhere to the federal timeframes for case processing.<sup>19</sup>

In some cases, MDHHS may ask the court to transfer jurisdiction. When this occurs, the CSA worker will transmit the changes through the MiCSES/MiSACWIS interface. Once MiCSES is notified of the change in jurisdiction, the PA will transfer the IV-D case to the appropriate PA office using the *Case Reassignment (CRAS)*<sup>20</sup> screen in MiCSES.

## 3. Filing an Agency Complaint With the Circuit Court

When processing an agency placement case where the child is in MDHHS care, the PA must pursue a paternity action by filing an agency complaint.<sup>21</sup>

The custodial party (CP) name AGENCY PLACED FOSTER CARE is used in MiCSES to identify cases created as a result of MiSACWIS referrals when a circuit court places a child under the care and custody of MDHHS.<sup>22</sup>

Since the child is under the care and custody of MDHHS, MDHHS (rather than an individual county or person) is considered the CP and the plaintiff on the agency

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<sup>19</sup> Ref: [Section 2.05, "Referrals and Applications,"](#) Section 2.20, and [Section 4.15, "Service of Process \(SOP\),"](#) of the *Michigan IV-D Child Support Manual*.

<sup>20</sup> Ref: the [MiCSES Quick Reference Guide: CRAS – Transfer a Case](#) for information on how to transfer a case.

<sup>21</sup> Ref: [Section 4.03, "Agency Complaints,"](#) of the *Michigan IV-D Child Support Manual* for more information on agency complaints.

<sup>22</sup> Ref: Section 2.85 of the *Michigan IV-D Child Support Manual* regarding CPs on agency placement IV-D cases.

placement IV-D case. If the county of the agency placement case changes, the CP's member ID and name (AGENCY PLACED FOSTER CARE) on the IV-D case in MiCSES must not change.

IV-D staff may change the plaintiff's name that appears on legal documents from AGENCY PLACED FOSTER CARE to MDHHS in MiCSES. To do this, IV-D staff will update the CP's legal name on the *Legal Case* (LCSE) screen by entering "MDHHS" (or "Michigan Department of Health and Human Services") in the *Caption Name* field in the *Legal Case Role Information* section.<sup>23</sup> When a case is filed as an agency complaint, the PA should note it on the LCSE screen by checking the *Agency Complaint* checkbox.

#### 4. Child Support Orders vs. Reimbursement Orders

A child support order is not the same as a reimbursement order. IV-D staff must not enter a child support order into MiCSES with the county treasurer or the court identified as the CP. Additionally, IV-D staff must not direct a child support collection to the county treasurer on behalf of the court. If OCS determines that a child support case was entered into MiCSES incorrectly, the local IV-D office will be directed to close the case.

For federal reporting purposes, OCS may determine that a child support collection retained by the court must be considered program income for the local IV-D program.

The Juvenile Code requires that an order placing a child outside of his/her own home and under MDHHS or court supervision must include provisions for reimbursement. The court collects money from a parent to reimburse the state or county for board and care, court expenses, attorney fees, etc.

A reimbursement order is not a IV-D child support order, and a IV-D case must not be opened in MiCSES for a reimbursement order. Reimbursement orders are not IV-D child support orders for the following reasons:

- The court uses the money to pay for other services provided by the court. It is not limited to reimbursement for the cost of the child's placement;
- The Juvenile Code and the Social Welfare Act allow the court to retain 25 percent of the collections for administrative costs. This is considered a fee under Title IV-D; therefore, it has to be reported as such to OCS and the federal government (the federal Office of Child Support Services [OCSS]) and deducted from any IV-D reimbursement received by the county;
- When calculating the reimbursement amount, the Juvenile Code does not require the use of the MCSF. Federal IV-D regulations require the use of the MCSF; and

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<sup>23</sup> Ref: [MiCSES Quick Reference Guide: LCSE – View and Update Legal Case Information](#) for directions on updating a IV-D case member's legal name.

- The Michigan State Disbursement Unit cannot collect reimbursement order payments. While payments through child support orders can reimburse county, state or federal foster care programs, no reimbursement orders may be charged through the IV-D program. The Juvenile Code mandates that the court collect the money.

**SUPPORTING REFERENCES:**

Federal

Section 471(a)(17) of the Social Security Act  
42 United States Code (USC) 654(4)(A);  
654A(f); 654(29)  
42 USC 672(a)  
42 USC 675(4)  
45 CFR 302.31  
45 CFR 233.90(b)(4)(1)  
45 CFR 235.70(b)(2)  
45 CFR 302.52(b)(3)  
45 CFR 303.2(a)(2) and (b)  
45 CFR 303.3  
45 CFR 303.4  
45 CFR 303.4(d)  
45 CFR 303.30  
45 CFR 303.5  
45 CFR 303.11(20)  
45 CFR 1355.20(a)  
45 CFR 307.10(b)(1)(2)(10)(13) and (14)  
Title IV-E, Section 471(a)(17) of the Social  
Security Act

State

MCL 552.23(2)  
MCL 552.454  
MCL 552.519(3)(a)(vi)  
MCL 552.605  
MCL 552.605d  
MCL 552.605d(6)  
MCL 400.115b  
MCL 552.451b  
MCL 400.10  
MCL 400.73a  
MCL 400.74  
MCL 400.117b  
MCL 712A.2  
MCL 712A.18  
MCL 712A.18(2)-(6) (Juvenile Code)  
MCL 722.714(4) and (10)  
MCL 722.1001-1013



MCL 803.305  
Michigan Court Rule (MCR) 3.211(D)  
MCR 3.211(D)  
MCR 3.973(F)(5)

Administration for Children, Youth and Families  
(ACYF), Children's Bureau Information  
Memorandum (IM) 99-02

OCSS Action Transmittal 99-09

OCSS IM 99-01

OCSS Policy Interpretation Question (PIQ) 07-  
03

SCAO ADM 2008-01

**REVISION HISTORY:**

[IV-D Memorandum 2023-011](#)  
IV-D Memorandum 2019-016  
IV-D Memorandum 2016-010  
IV-D Memorandum 2013-011  
IV-D Memorandum 2010-018