

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

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Table of Contents

1. Michigan As the Initiating State 1

 1.1 Determining Appropriate Case Actions..... 2

 1.1.1 One-State Case Solutions and Long-Arm Jurisdiction 2

 1.1.2 Initiating a Two-State Case: General Responsibilities 3

 1.2 Communication With the Recipient of IV-D Services Residing in Michigan 5

 1.3 The Initiating State As the Official Record-Keeper of Arrears and Payments 6

2. Support Specialist (SS) Functions in One-State and Initiating Intergovernmental IV-D Cases 6

3. Establishing Parentage and/or Support in a Two-State Case 7

 3.1 Determine If Parentage Has Been Established 7

 3.2 Send the Intergovernmental Referral Requesting Establishment of Parentage and/or Support..... 7

4. Enforcement of a Support Order in a Two-State Case..... 9

 4.1 Asking the Responding State to Enforce Its Order and Forward Payments to Michigan 9

 4.2 Registering a Support Order for Enforcement in Another Tribunal 10

 4.3 Another State Issued the Support Order, and Both Parties Are in Michigan 12

5. Initiating a Request for Modification of a Support Order..... 13

 5.1 Request to Modify an Order Issued by the Responding State 13

 5.2 Registration for Modification of an Order Not Issued by the Responding State .. 14

6. Intergovernmental Referrals in Foster Care/Third-Party Custodian Cases 15

 6.1 Intergovernmental Referrals With Multiple IV-D Cases on One Docket..... 15

 6.2 Informing the Responding State When the IV-D Case Number Changes 15

 6.3 The Responding State Requires a New Order in a Third-Party Case..... 15

1. Michigan As the Initiating State

As defined by the Uniform Interstate Family Support Act of 2008 (UIFSA 2008),¹ the Michigan IV-D agency is the initiating tribunal² when it sends an intergovernmental referral to another state or Tribal IV-D agency or foreign country.³ The tribunal that receives the request is the responding tribunal. Michigan is the initiating tribunal only if Michigan requests services from another state.

¹ Ref: [Section 7.01, “Intergovernmental Overview,” of the Michigan IV-D Child Support Manual](#) for more information on UIFSA.

² Ref: Michigan Compiled Law (MCL) 552.2102(k). The initiating tribunal is the court or administrative agency in a state or country that sends an intergovernmental referral to another state or country.

³ Ref: [Section 7.15, “International,” of the Michigan IV-D Child Support Manual.](#)

1.1 Determining Appropriate Case Actions

The initiating state has discretion to determine if a one-state or two-state action is most appropriate based on the facts of the case. The responding state must accept what the initiating state determines is the best option, so IV-D workers must be consistent in deciding how to proceed.⁴

1.1.1 One-State Case Solutions and Long-Arm Jurisdiction

The exercise of long-arm jurisdiction allows a Michigan tribunal to directly establish or enforce a support order over a nonresident. If a party resides outside of Michigan, Michigan IV-D workers must review the case for potential long-arm jurisdiction prior to initiating a two-state case.

A IV-D case that is processed using long-arm jurisdiction is not an intergovernmental case and therefore proceeds the same as an intrastate case.⁵ Cases proceeding using long-arm jurisdiction do not require the assistance of the state in which the nonresident resides. This can often make case processing easier for the IV-D worker.

The IV-D worker can exercise long-arm jurisdiction over a nonresident if any of the following apply:⁶

- The individual is personally served within Michigan;
- The individual submits to Michigan's jurisdiction by consent, by entering a general appearance in a Michigan tribunal, or by filing a document that waives a contest to personal jurisdiction;
- The individual has resided with the child in Michigan;
- The individual has resided in Michigan and provided prenatal expenses or support for the child;
- The child resides in Michigan as a result of the individual's actions;
- The individual engaged in sexual intercourse in Michigan, and the child may have been conceived by that act;
- The individual asserted parentage in Michigan's Central Paternity Registry;⁷ and/or
- Any other legal basis exists for Michigan's exercise of personal jurisdiction over the individual.

⁴ Ref: [Office of Child Support Enforcement \(OCSE\) Action Transmittal \(AT\) 98-30, *Interstate Child Support Enforcement Case Processing and UIFSA*](#), Question 26.

⁵ The IV-D worker will not use UIFSA forms for one-state cases using long-arm jurisdiction.

⁶ MCL 552.2201

⁷ Ref: [Section 4.05, "Paternity Establishment," of the *Michigan IV-D Child Support Manual*](#).

IV-D workers must have a reasonable basis for asserting long-arm jurisdiction before serving an individual in another state. The Michigan IV-D worker will not serve a party in another state hoping that (s)he will unwittingly submit to Michigan jurisdiction. However, IV-D staff will serve that individual and proceed with the case if the nonresident knowingly consents to the jurisdiction of Michigan.

Note: If a IV-D worker is unable to exercise jurisdiction over income and/or assets in another state, then a two-state action must be used.

Example 1: Exercising Long-Arm Jurisdiction to Establish a Support Order

A IV-D worker receives a IV-D application from a custodial party (CP). The CP has an *Affidavit of Parentage* establishing the non-custodial parent (NCP) as the father. The IV-D application states that the child was conceived in Michigan and the NCP lived with the child in Michigan for three years. The NCP now lives in Ohio. The IV-D worker processes the IV-D application and determines that Michigan can exercise long-arm jurisdiction over the NCP. The IV-D worker will use the same procedures to establish a support order for this case as she would use in a case where both parties reside in Michigan.

1.1.2 Initiating a Two-State Case: General Responsibilities

When it is determined that a one-state solution is not available or appropriate, IV-D workers will initiate a two-state case. When Michigan is the initiating state, federal regulations require IV-D workers to:

- A. Determine whether or not there is a support order or orders in effect on a case using the Federal and State Case Registries, state records, information provided by the recipient of services, and other relevant information available to the state.⁸
- B. Determine which state should conduct a determination of controlling order (DCO)⁹ and reconciliation of arrearages (ROA) if multiple orders exist.¹⁰
- C. Within 20 calendar days of locating the non-Michigan party in another state, and a one-state solution is not available and/or appropriate, refer the intergovernmental IV-D case to the responding state by

⁸ 45 Code of Federal Regulations (CFR) 303.7(c)(1)

⁹ Ref: Section 7.01 of the *Michigan IV-D Child Support Manual* for information on DCOs.

¹⁰ 45 CFR 303.7(c)(2)

sending an appropriate intergovernmental referral to that state's Central Registry.¹¹

- D. Register a support order in another state when one is already established.
- E. Provide sufficient and accurate information to the responding state.

The Michigan IV-D worker will provide the responding state with sufficient, accurate information on the case using the federally approved intergovernmental forms.¹² The information must be clear and complete so the responding state can process the case without the need for additional information.

- F. Provide requested information to the responding state in a timely manner.

Within 30 calendar days of receipt of a request for information, the Michigan IV-D worker must provide the updated intergovernmental form(s), and as necessary, provide additional documentation or notify the responding agency when the information will be available.¹³

- G. Submit all past-due support owed in IV-D cases that meet the certification requirements for federal tax refund offset (FTRO).¹⁴

Once a responding state is enforcing an order and directing payments to Michigan, the Michigan IV-D worker will continue to monitor the case for payments received and submit the case for FTRO¹⁵ when applicable. If Michigan issued the order, Michigan will remain the official record-keeper with regard to payment histories until a non-Michigan tribunal modifies the order, even though Michigan is not enforcing the order.¹⁶

- H. Notify the responding state when the IV-D case is closed.¹⁷

¹¹ 45 CFR 303.7(c)(4)

¹² 45 CFR 303.7(c)(5); Ref: Section 7.01 of the *Michigan IV-D Child Support Manual*.

¹³ 45 CFR 303.7(c)(6)

¹⁴ 45 CFR 303.7(c)(8); Ref: [Section 6.21, "Tax Refund Offset," of the Michigan IV-D Child Support Manual](#).

¹⁵ The federal regulations limit FTRO submissions to the initiating state. Responding states will be notified automatically when the tax refund offset is disbursed via the Child Support Enforcement Network (CSENet) or a *Transmittal #2 – Subsequent Actions*.

¹⁶ Ref: OCSE AT 98-30, Question 73.

¹⁷ 45 CFR 303.7(c)(11); Ref: [Section 3.50, "Case Closure," in the Michigan IV-D Child Support Manual](#).

The Michigan IV-D worker will notify the responding state of the IV-D case closure within 10 business days.

- I. Ask the other state to close its IV-D case before issuing an income withholding order or notice when a responding tribunal has already done so on the same IV-D case.¹⁸

1.2 Communication With the Recipient of IV-D Services Residing in Michigan

Michigan IV-D workers are responsible for being the point of contact for the individual receiving IV-D services in Michigan even when another tribunal is responsible for establishment and/or enforcement. Individuals residing in another state or country in an intergovernmental case sometimes contact Michigan IV-D workers to get updates or ask questions about the IV-D case. However, Michigan IV-D workers will instruct the requesting parties to contact a IV-D worker in the state or country of their residence to address any questions about how the case is being enforced.¹⁹ It is the initiating state's responsibility to keep CPs apprised of actions taken on their IV-D case. It is the responding state's responsibility to keep the initiating state's IV-D agency apprised of case updates. The Michigan IV-D worker in the county where the CP resides will remain the main point of contact as long as the CP does not move.

Example 2: Out-of-State Party Contacting a Michigan IV-D Worker

A Michigan tribunal issues a support order when both parents and the child live in Michigan. The NCP then moves to Wyoming. Even though Michigan could exercise long-arm jurisdiction over the NCP, the Michigan IV-D worker determines that, due to the NCP's poor payment history and poor employment history, Wyoming would be better suited to enforce the order. The Michigan IV-D worker initiates a case with Wyoming to register and enforce the Michigan order.²⁰

After Michigan initiates an intergovernmental case and Wyoming is responsible for enforcement of the order, the NCP contacts a Michigan IV-D worker with questions about the IV-D case. The NCP insists that because Michigan issued the order, the Michigan IV-D worker is the right person to ask questions. The Michigan IV-D worker tells the NCP that the case was referred to Wyoming for enforcement, and he will need to contact a IV-D worker in Wyoming with questions about enforcement activities. The Michigan IV-D worker will provide the contact information for the appropriate Wyoming IV-D office as indicated on the *Intergovernmental Information (ISIN)* screen in the Michigan Child Support Enforcement System (MiCSES).

¹⁸ 45 CFR 303.7(c)(11)

¹⁹ Ref: OCSE AT 98-30, Question 57.

²⁰ Ref: Subsection 4 of this manual section for information on how to register an order in another tribunal for enforcement.

1.3 The Initiating State As the Official Record-Keeper of Arrears and Payments

UIFSA 2008 requires that the order-issuing state be the official record-keeper of arrears and payments received. If Michigan is the order-issuing state and no parties remain in Michigan, Michigan will remain the official record-keeper as the order-issuing state, and payments will still go through the Michigan State Disbursement Unit (MiSDU) for record-keeping.

However, if Michigan issues a support order and the CP, NCP, and child(ren) all leave Michigan and move to the same state, that state can enforce the Michigan-issued support order without directing payment through the MiSDU. If this situation occurs, the Michigan IV-D worker(s) will request a payment history from the other state using the *Transmittal #2 – Subsequent Actions* if the IV-D case remains open, or the *Transmittal #3 – Request for Assistance/Discovery* if the IV-D case is closed. In this situation, IV-D workers will request payment histories at least annually to ensure the IV-D worker is keeping the payment history up-to-date.

2. Support Specialist (SS) Functions in One-State and Initiating Intergovernmental IV-D Cases

When a support specialist (SS) determines that one of the parties on a IV-D case resides in another state, (s)he will:

- Determine if parentage has been established and if there is an existing support order in place. The SS will get parentage information from:
 - The CP interview;
 - The *Affidavit of Parentage*; and/or
 - Query Interstate Cases for Kids (QUICK).²¹
- Review the case for potential use of long-arm jurisdiction. (Ref: Subsection 1.1.1 of this manual section for information on long-arm jurisdiction); and
- Refer the IV-D case to the appropriate functional area. The SS will use the following criteria when determining which IV-D office to send the intergovernmental IV-D case:
 - If a support order needs to be established, the SS will refer the case to the IV-D office handling the establishment function in the appropriate county;²² and

²¹ Ref: [Section 3.06, "Federal Child Support Portal,"](#) in the *Michigan IV-D Child Support Manual* for more information on QUICK.

²² Ref: [Section 2.20, "Court Action Referrals \(CARs\),"](#) in the *Michigan IV-D Child Support Manual*. The SS will send the CAR to the appropriate functional area in the case of a combined office.

- If a support order exists, the SS will send the case to the IV-D office handling the enforcement function in the appropriate county.

3. Establishing Parentage and/or Support in a Two-State Case

A Michigan tribunal can request establishment of parentage in an intergovernmental case only when a support order needs to be established on a case.²³

3.1 Determine If Parentage Has Been Established

When a CP requires establishment services and the alleged father/NCP²⁴ resides outside of Michigan, the IV-D worker who receives the application or intergovernmental referral for IV-D services will:

- Determine if parentage has already been established.
 - If parentage was established outside of Michigan, the IV-D worker will acquire proof of parentage by calling the IV-D agency in the state where parentage was established or by sending that IV-D agency a *Transmittal #3 – Request for Assistance/Discovery*;
- Note: Michigan must give full faith and credit to determinations of parentage made in other states.²⁵
- If the Michigan IV-D worker confirms that parentage has not been established, (s)he will attempt to establish parentage through a voluntary *Affidavit of Parentage* (DCH-0682); and
- Flag the case as an initiating intergovernmental case in MiCSES by setting the *INTERGOV* field to “Initiating” on the *Case Member Details* (CASE) screen. This will open up intergovernmental functions in MiCSES that are only available in intergovernmental cases.

3.2 Send the Intergovernmental Referral Requesting Establishment of Parentage and/or Support

The IV-D worker will:

²³ 45 CFR 302.33(a)(6)

²⁴ Ref: [IV-D Memorandum 2017-012, IV-D Services for Same-Sex Couples](#), for information on when establishment services will be offered to same-sex couples. Although this subsection uses the terms “parentage” and “alleged father,” it will apply to same-sex couples if IV-D establishment services become available for same-sex couples.

²⁵ 42 United States Code (USC) 666(11) and MCL 552.2315

- Generate the *Child Support Enforcement Transmittal #1 – Initial Request* (FSA-200-1) on the ISIN screen to request the establishment of parentage and/or support;

Note: Generating the *Child Support Enforcement Transmittal #1 – Initial Request* will also generate the *Child Support Agency Confidential Information Form*.

- Generate the *Declaration in Support of Establishing Parentage* (FSA-204) from the *Document Generation* (DOGN) screen. The Michigan IV-D worker will generate a separate *Declaration in Support of Establishing Parentage* for each child who is part of the referral (if seeking parentage establishment); and
- Generate both the *Uniform Support Petition* (FSA-201) and the *General Testimony* (FSA-202) from the DOGN screen. The Michigan IV-D worker will need the CP's assistance to complete the *General Testimony* and the *Uniform Support Petition*. If the Michigan IV-D worker has the CP complete the *General Testimony*, the worker will generate the DOGN screen template GENTEST and give it to the CP. The Michigan IV-D worker will provide the CP with the instructions for the *General Testimony*.

Note: Generating the *Uniform Support Petition* and the *General Testimony* will automatically generate the *Personal Information Form for UIFSA § 311*.

The Michigan IV-D worker will send the completed intergovernmental referral for establishment of parentage and/or support to the Central Registry in the state where the NCP resides. The Michigan IV-D worker will set a 75-day alert in MiCSES, and if the responding state has not returned the *Transmittal 1 – Initial Request Acknowledgment*, the IV-D worker will contact the Central Registry of the responding state and inquire about the status of the case.

Once an order is established, the Michigan IV-D worker will send the case to the Friend of the Court (FOC) using the *Transfer a Case* (CRAS) screen. FOC staff will monitor enforcement activities on the case.

Example 3: Initiating a Request for Parentage Establishment and Order Establishment

The SS confirms that an alleged father on a IV-D case resides in California. The SS processes the application and determines that Michigan cannot exercise long-arm jurisdiction over the alleged father. The SS opens a IV-D case and sends a CAR to the IV-D office handling the establishment function in the county in which the applicant resides.

The Michigan IV-D worker receives a CAR to establish parentage and an order for support for one child. The Michigan IV-D worker confirms that the alleged father resides in California by verifying his address.

The Michigan IV-D worker confirms the SS's finding that long-arm jurisdiction is not applicable. If the alleged father does not voluntarily submit to genetic testing, the Michigan IV-D worker will complete the appropriate UIFSA forms to request parentage establishment and send them to California's Central Registry. California will serve the alleged father and provide genetic testing if the alleged father requests it. The Michigan IV-D worker will set a 75-day alert in MiCSES, and if California has not returned the *Transmittal 1 – Initial Request Acknowledgment*, the IV-D worker will contact California's Central Registry and inquire about the status of the case.

4. Enforcement of a Support Order in a Two-State Case²⁶

The Michigan IV-D worker can initiate an intergovernmental IV-D case to have the responding state enforce an existing order. The Michigan IV-D worker can ask the responding state to enforce an order it issued and forward payments to Michigan, or to register an order issued by another tribunal.

4.1 Asking the Responding State to Enforce Its Order and Forward Payments to Michigan

When the Michigan IV-D worker determines the NCP resides in the order-issuing state, the Michigan IV-D worker will ask the responding state to enforce its order. The IV-D worker will:

- Confirm the NCP's address;
- Confirm that the state where the NCP resides has previously issued an order on the case using QUICK on the Child Support Portal;²⁷

²⁶ This subsection assumes that a one-state action is not appropriate. IV-D workers wishing to enforce a child support order using a one-state action should reference Section 7.01 of the *Michigan IV-D Child Support Manual*, Subsection 2.7.1, "High-Volume Automated Administrative Enforcement in Interstate Cases (AEI)," and [Section 6.03, "Income Withholding," of the Michigan IV-D Child Support Manual](#).

²⁷ Ref: Section 3.06 of the *Michigan IV-D Child Support Manual* for more information of QUICK.

- Review the case information that the SS entered to ensure accuracy;
- Flag the case as an initiating intergovernmental case by setting the *INTERGOV* field to “Initiating” on the CASE screen; and
- Generate the *Child Support Enforcement Transmittal #1 – Initial Request* on the ISIN screen. Generating the *Child Support Enforcement Transmittal #1 – Initial Request* will also generate the *Child Support Agency Confidential Information Form*.

The Michigan IV-D worker will send the completed intergovernmental referral for enforcement and redirection of payments to the Central Registry in the state where the NCP resides. The Michigan IV-D worker will set a 75-day alert in MiCSES, and if the responding state has not returned the *Transmittal 1 – Initial Request Acknowledgment*, the IV-D worker will contact the Central Registry of the responding state and inquire about the status of the case.

Example 4: Asking the Responding State to Redirect Payments to Michigan

The CP and NCP resided in Indiana where they conceived a child. The child was born in Indiana. The relationship deteriorated, and an Indiana tribunal issued an order for support. The CP and child later move to Michigan. The CP applies for public assistance in Michigan, and the IV-A program refers that case to the Michigan IV-D program for services. During the interview, the CP informs the SS that there is an order on the case. Seeing that the NCP resides in the state where the order was issued, the SS uses the CRAS screen to refer the case to the FOC of the county where the CP resides.

The Michigan IV-D worker will verify the NCP’s address and that Indiana has previously issued an order on the case. The Michigan IV-D worker will create the intergovernmental referral by generating and sending the *Transmittal #1 – Initial Request* and the *Child Support Agency Confidential Information Form* to the Indiana Central Registry. Indiana will enforce its order and forward payments to the MiSDU. The Michigan IV-D worker will set a 75-day alert in MiCSES, and if Indiana has not returned the *Transmittal 1 – Initial Request Acknowledgment*, the Michigan IV-D worker will contact the Indiana Central Registry and inquire about the status of the case.

4.2 Registering a Support Order for Enforcement in Another Tribunal

If the NCP resides in a state that did not issue the support order, the Michigan IV-D worker will request that the responding state register the order for enforcement and forward payments to the MiSDU. The Michigan IV-D worker can ask the responding state to register a Michigan order or an order issued by

another tribunal. If a Michigan tribunal did not issue the order, the Michigan IV-D worker must obtain a certified copy of the order and a certified statement of arrears from the order-issuing state and include it in the intergovernmental referral.

To complete the intergovernmental referral, the IV-D worker will:

- Confirm that the NCP's address is verified;
- Confirm whether the state where the NCP resides has previously issued an order on the case using QUICK on the Child Support Portal;²⁸
- Flag the case as an initiating intergovernmental case by setting the *INTERGOV* field to "Initiating" on the CASE screen;
- Generate from the ISND²⁹ screen the *Child Support Enforcement Transmittal #1 – Initial Request* requesting registration and enforcement. Generating the *Child Support Enforcement Transmittal #1 – Initial Request* will also generate the *Child Support Agency Confidential Information Form*;
- Generate the *Letter of Transmittal Requesting Registration* from the DOGN screen and complete a certificate of arrearage. The Michigan IV-D worker will also ensure that the accounting matches on the certification of arrears and the *Letter of Transmittal Requesting Registration*;
- Complete and print a financial history on the *Account Statements (ACTS)* screen;
- Include two copies of the support order, one of which must be certified;³⁰ and
- Include a certified statement of arrears and, if the CP received any payments outside of the IV-D program, a sworn statement of arrears.

Note: If necessary, the Michigan IV-D worker will send a *Transmittal #3 – Request for Assistance/Discovery* to request a certified copy of the order and/or a certified statement of arrears.

The Michigan IV-D worker will send the intergovernmental referral to the responding state's Central Registry to register a support order for enforcement.³¹ The IV-D worker will set a 75-day alert in MiCSES, and if the responding state has not returned the *Transmittal 1 – Initial Request*

²⁸ Ref: Section 3.06 of the *Michigan IV-D Child Support Manual* for more information on QUICK.

²⁹ ISND is the *Intergovernmental Send Correspondence* screen.

³⁰ MCL 552.2602

³¹ Ref: the job aid [Outgoing Registration of Michigan Order in Other State](#) for more information on how to process intergovernmental cases where Michigan is asking another state to register and enforce its order.

Acknowledgment, the IV-D worker will contact the Central Registry of the responding state and inquire about the status of the case.

Example 5: Initiating a Request for Registration and Enforcement of a Support Order Not Issued by the Responding State

An NCP has not paid child support in three months. The Michigan IV-D worker verifies the NCP has moved out of Michigan, and his new address is in Ohio. The Michigan IV-D worker completes the appropriate intergovernmental referral to request enforcement of a support order, and sends it to the Central Registry in Ohio.

The Ohio Central Registry reviews the intergovernmental referral for completeness and sends it to the IV-D agency in the county where the NCP resides. The Ohio Central Registry will then notify the Michigan IV-D worker where it forwarded the intergovernmental referral and whether it needs any additional information to proceed. The Ohio IV-D worker will register the order for enforcement and use Ohio's laws and procedures. The Michigan IV-D worker will set a 75-day alert in MiCSES, and if Ohio has not returned the *Transmittal 1 – Initial Request Acknowledgment*, the IV-D worker will contact the Ohio Central Registry and inquire about the status of the case.

4.3 Another State Issued the Support Order, and Both Parties Are in Michigan

If the Michigan IV-D worker determines that both parties are living in Michigan and an order was issued in another state, the IV-D worker will send the *Transmittal #3 – Request for Assistance/Discovery* to the order-issuing state, requesting a copy of the order. The Michigan IV-D worker will ask the Michigan tribunal to register the order. Once the order is registered, the IV-D worker will send a completed *Order Vacating/Confirming Registration of Out-of-State Support Order (UIFSA)* (FEN262) to the order-issuing state.

Once the Michigan IV-D worker registers the order, it will be enforceable in the same way as an intrastate IV-D case.³² If the Michigan tribunal does not modify the order, the Michigan IV-D worker will send the order-issuing state a certified payment history upon request, since that state is still the official record-keeper.³³ If there are no arrears owed to the order-issuing state, the Michigan IV-D worker can inform the other state that it can close its IV-D case.³⁴

³² MCL 552.2603(2)

³³ Ref: OCSE AT 98-30, Question 73.

³⁴ Ref: Section 3.50 in the *Michigan IV-D Child Support Manual* for information on intergovernmental case closure.

5. Initiating a Request for Modification of a Support Order

A state must establish continuing, exclusive jurisdiction (CEJ) before it can modify a support order in an intergovernmental IV-D case. The requesting party will consent to the responding state's jurisdiction by registering an order for review and modification. If Michigan does not have CEJ and an order needs to be modified, a Michigan IV-D worker must determine what state has CEJ.³⁵ The Michigan IV-D worker must send a request for review and modification to the responding state that has CEJ to modify the support order within 20 calendar days of:

- Determining that a review is appropriate; and/or
- The initiating agency receiving the necessary information from the party to conduct the review.³⁶

The request to modify an order can accompany a registration of an order not issued by the responding state or a request that the responding state enforce its order and forward payments to Michigan. The Michigan IV-D worker can also send a request to modify a support order without a request to enforce the order.

5.1 Request to Modify an Order Issued by the Responding State

To complete the intergovernmental referral for modification of an order issued by the responding state, the Michigan IV-D worker will:

- Confirm that the NCP's address is verified by sending a postal verification if the request is for modification and enforcement;
- Flag the case as an initiating intergovernmental case by setting the *INTERGOV* field to "Initiating" on the CASE screen;
- Ensure that the order-issuing state can exercise CEJ to modify the order and, if not, determine which tribunal can modify the order;³⁷
- Generate from the ISND screen the *Child Support Enforcement Transmittal #1 – Initial Request* for modification only or modification and enforcement of the responding state's own order. Generating the *Transmittal #1 – Initial Request* will also generate the *Child Support Agency Confidential Information Form*; and

³⁵ Ref: Section 7.01 of the *Michigan IV-D Child Support Manual* for information on how to determine which state has CEJ.

³⁶ 45 CFR 303.7(c)(9)

³⁷ Ref: Section 7.01 of the *Michigan IV-D Child Support Manual* for determining what tribunal can exercise CEJ.

- Generate both the *Uniform Support Petition* and the *General Testimony* from the DOGN screen. Generating these forms will automatically generate the *Personal Information Form for UIFSA § 311*.

Once the request for modification of an order issued by the responding state is complete, the Michigan IV-D worker will send it to the responding state's Central Registry. The Michigan IV-D worker will set a 75-day alert in MiCSES, and if the responding state has not returned the *Transmittal 1 – Initial Request Acknowledgment*, the Michigan IV-D worker will contact the Central Registry of the responding state and inquire about the status of the case. If the request was for modification only, the responding state will close its case once it completes modification proceedings.

5.2 Registration for Modification of an Order Not Issued by the Responding State

The responding state must register an order that it did not issue before it can modify the order. If the order is not already registered, the intergovernmental referral requesting modification will also have to include a request to register the order. The request to modify a registered order can include a request to enforce the order, or it can be for modification only. To request the modification of an order not issued by the responding state, the Michigan IV-D worker will:

- Confirm that the NCP's address is verified;
- Flag the case as an initiating intergovernmental case by setting the *INTERGOV* field to "Initiating" on the CASE screen;
- Review the rules for CEJ to ensure that the intergovernmental referral is being sent to a jurisdiction that has the ability to modify the order;³⁸
- Complete an intergovernmental referral to register an order in the responding state, but include a request for modification of the registered order;³⁹ and
- Generate and send the *Uniform Support Petition* and the *General Testimony* from the DOGN screen to provide the information the responding state will need to modify the order. The *Personal Information Form for UIFSA § 311* will be generated when the *Uniform Support Petition* and *General Testimony* are generated, and the Michigan IV-D worker will include that form as well.

The Michigan IV-D worker will send the completed intergovernmental referral to the responding state's Central Registry. The Michigan IV-D worker will set a 75-

³⁸ Ref: Section 7.01 of the *Michigan IV-D Child Support Manual* for determining what tribunal can exercise CEJ.

³⁹ Ref: Subsection 4.2 of this manual section for information on initiating an intergovernmental referral to register an order.

day alert in MiCSES, and if the responding state has not returned the *Transmittal 1 – Initial Request Acknowledgment*, the Michigan IV-D worker will contact the Central Registry of the responding state and inquire about the status of the case.

6. Intergovernmental Referrals in Foster Care/Third-Party Custodian Cases

In Michigan, when a child is placed with a third-party custodian, a new order is not issued. Rather, the current support order continues to be enforced, and the payments are redirected to the third-party custodian. Many other states issue a new order in this situation.

6.1 Intergovernmental Referrals With Multiple IV-D Cases on One Docket

There may be more than one CP on the court case, and, therefore, more than one IV-D case on the docket. This can happen when one or more child(ren) are with the CP on a IV-D case, and another child(ren) is placed with a third-party custodian on another IV-D case. When registering a case that has a third-party custodian, the Michigan IV-D worker will send one intergovernmental referral requesting registration per IV-D case. If there is more than one IV-D case with each ordering the NCP to pay a different CP, and the Michigan IV-D worker does not provide a separate registration for each case, many states will not accept the registration.

6.2 Informing the Responding State When the IV-D Case Number Changes

If a Michigan order is being enforced when the child(ren) is placed with a third-party custodian, the Michigan IV-D case number will change, but a new support order will not be issued. The Michigan IV-D worker should send a *Transmittal #2 – Subsequent Actions* to update the enforcing state and ask it to change the Michigan IV-D case number on its case.

6.3 The Responding State Requires a New Order in a Third-Party Case

If another state refuses to register and/or enforce a Michigan order or update the Michigan IV-D number because the child is placed with a third-party custodian and a new order was not issued, the IV-D worker will:

- Refer the IV-D worker in the responding tribunal to the *Intergovernmental Reference Guide (IRG)*⁴⁰ question F17.2 to provide an explanation of how Michigan's third-party reassignment works;

⁴⁰ Ref: the subsection on "Intergovernmental Reference Guide (IRG)" in Section 7.01 of the *Michigan IV-D Child Support Manual* for information on the IRG.

- Explain that pursuant to 45 CFR 302.52, MCL 400.115b(5), MCL 552.605d(1)(a) and MCL 552.605d(1)(c)(i), Michigan does not issue a new order, but rather, support is reassigned to the third party; and
- Explain that support orders issued on or after June 1, 2003 should contain a provision explaining this type of reassignment, so the reassignment information should be in the support order itself in most cases.

If, after providing this information, the other state still refuses to register or enforce a Michigan support order when the child is with a third-party custodian, the Michigan IV-D worker will ask the court to issue a new order or follow the Interstate Conflict Resolution Process to take further steps to get the current order enforced.⁴¹

SUPPORTING REFERENCES:

Federal

42 USC 666(11)
45 CFR 302.33(a)(6)
45 CFR 302.52
45 CFR 303.7(c)(1)-(9)
45 CFR 303.7(c)(11)-(13)
45 CFR 303.8

OCSE AT 98-30

State

MCL 400.115b(5)
MCL 552.605d(1)(a)
MCL 552.605d(1)(c)(i)
MCL 552.2102(k)
MCL 552.2201
MCL 552.2315
MCL 552.2602
MCL 552.2603(2)

REVISION HISTORY:

[IV-D Memorandum 2017-026](#)

⁴¹ Ref: the subsection on “Intergovernmental Conflict Resolution” in Section 7.01 of the *Michigan IV-D Child Support Manual*.