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GOVERNOR

STATE OF MICHIGAN  
FAMILY INDEPENDENCE AGENCY  
LANSING



MARIANNE UDOW  
DIRECTOR

**Michigan IV-D Action Transmittal 2005-004**

**TO:** All Office of Child Support (OCS) Staff  
All Friends of the Court (FOCs)  
All Prosecuting Attorneys (PAs)

**FROM:** Marilyn F. Stephen, Director  
Office of Child Support

**DATE:** February 1, 2005

**SUBJECT:** Non-custodial Parents (NCPs) Receiving Child Development and Care (CDC)

**PURPOSE:**

This Action Transmittal (AT) replaces AT 2004-012, *Non-custodial Parents (NCPs) Receiving Family Independence Program (FIP), Medicaid (MA), Food Assistance Program (FAP) or Child Development and Care (CDC)*.

A Family Independence Agency (FIA) IV-A Program Eligibility Manual (PEM) policy change, effective October 1, 2004, allows only a primary caretaker to receive FIP, MA or FAP for a child whose parents reside separately from each other. At initial application when a child has multiple caretakers, the Family Independence Specialist (FIS)/Eligibility Specialist (ES) will determine a primary caretaker. The FIS/ES will accept an applicant's claim that (s)he is the child's primary caretaker. If the other parent disputes an applicant's claim, FIS/ES must determine an applicant's primary caretaker status by the most recent court order, school records, child care records and/or medical records.

Support specialists (SSs) will no longer receive new referrals for NCPs receiving FIP, MA or FAP. An SS must report to the FIS/ES any NCP who receives FIP, MA or FAP for a child and claims that child is temporarily residing with the NCP.

The FIA policy change also allows for closure or reduction of benefits for FIP, MA or FAP cases currently active with an NCP as grantee of the FIA case. The negative action on these cases is to take place no later than the next redetermination of the FIA case.

All currently active FIP, MA or FAP cases with an NCP as grantee will close no later than September 30, 2005.

**FIA's CDC policy still allows both parents to receive assistance for a child at the same time.** Either parent can apply for CDC regardless of which parent retains primary **physical** custody<sup>1</sup> of the child as specified in his/her court order.

If the FIA approves CDC for an NCP and the child for whom the NCP is ordered to pay support, staff must not assume that primary **physical** custody of the child has changed to the NCP. Such situations may include cases in which the NCP practices normal or extended visitation with the child and has child care expenses during the period of visitation. If the primary custodial party (CP) receives IV-D services for the child, that IV-D case provides child support services for the child and a new IV-D case with the NCP as the CP is unnecessary.

## **SS PROCEDURES:**

A. For CDC recipients at the initial interview, if the NCP informs the SS that (s)he is not the primary **physical** custodian of the child, the SS will close the IV-D case on which the NCP is identified as the CP.

1. The SS will:

- a. Inform the NCP that it is necessary to report to OCS and the FOC if a change in primary **physical** custody of the child occurs at a later date. On the *Notes Processor* (NOTE) screen in the Michigan Child Support Enforcement System (MiCSES), document that these instructions were verbally given to him/her.
- b. Not refer the case to the PA or the FOC for review and/or modification of the order. The FOC will continue to enforce the current order, which obligates the NCP to pay the true CP.
- c. Close the NCP's IV-D case with the NCP as the CP on MiCSES using reason code PG (child does not reside with or under the supervision of the "CP").
- d. Document on the NOTE screen in the IV-D case on which the true custodian is listed as the CP that the payer on the order is receiving CDC for the child.

2. If the NCP later reports an actual change in the child's primary **physical** custody, the SS will:

- a. Reopen the NCP's IV-D case with the NCP as the CP; and
- b. Determine whether to initiate a referral to the PA or the FOC for review and/or modification of the order (procedures vary from county to county).

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<sup>1</sup> Physical custody refers to the obligation of a parent to provide day-to-day care for the child. See State Court Administrative Office (SCAO) Custody Guidelines for further custody definitions at: <http://courts.michigan.gov/scao/resources/publications/manuals/focb/custodyguideline.pdf>

B. For all public assistance recipients at the initial interview, if the NCP reports an actual (but informal) change in the child's primary **physical** custody, (i.e., the CP has left the child with the NCP with the intention of relinquishing primary physical custody), the SS will determine whether to initiate a referral to the PA or the FOC for review and/or modification of the order (procedures vary from county to county).

**LEGAL REFERENCES:** Federal  
None

State  
MCL 552.517(b)

**POLICY REFERENCE:** PEM 205 CDC Group Composition  
PEM 210 FIP Group Composition  
PEM 211 MA Group Composition  
PEM 212 FAP Group Composition

**AT MAINTENANCE:** Retain until further notice.

**EFFECTIVE DATE:** Upon receipt

**REVIEW PARTICIPANTS:** Program Leadership Group (PLG)  
Case Management Work Improvement Team (WIT)  
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**ATTACHMENTS:** None

MFS/CK