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## MICHIGAN IV-D ACTION TRANSMITTAL 2005-038

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

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

**DATE:** June 20, 2005

**SUBJECT:** Entering and Viewing Incarceration Status on the Michigan Child Support Enforcement System (MiCSES)

### PURPOSE:

This Action Transmittal (AT) provides guidelines and procedures for entering incarceration information and viewing incarceration status on MiCSES, to comply with Michigan Court Rule (MCR) 2.004, and for entering county jail inmate information for potential review of support. This AT supplements and does not supercede the State Court Administrative Office (SCAO) Administrative Memorandum 2004-05, *Procedure for Implementation of MCR 2.004-Incarcerated Parties*.<sup>1</sup>

### BACKGROUND:

Effective January 1, 2003, MCR 2.004 implemented procedures to notify incarcerated parties, in prison, of pending court actions related to a party's minor children. The rule provides for a pre-hearing telephonic conference to determine how the party, in prison, will participate in the petition hearing. IV-D workers must comply with this rule and be able to update and view the incarceration status of IV-D members. The MiCSES 3.5 release will add a new flag to help IV-D workers determine a party's incarceration status.

### POLICY INFORMATION:

IV-D workers must update and view incarceration information on MiCSES.

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<sup>1</sup> SCAO Administrative Memorandum 2004-05 may be obtained at:  
<http://courts.michigan.gov/scao/resources/other/proc.htm#2004>

### Adding and Updating

The IV-D worker verifies incarceration information in the *Incarceration Indicator* fields<sup>2</sup> on the DEMO screen for both prison incarceration and jail sentences. The IV-D worker will:

1. Obtain prison incarceration or jail sentence release and parole dates, prisoner or jail inmate number and prison or jail location information from:
  - a. The incarcerated party;
  - b. The other party;
  - c. The Offender Tracking Information System (OTIS) at:  
<http://www.state.mi.us/mdoc/asp/otis2.html>
  - d. A local jail or sheriff's department; or
  - e. Data warehouse.

OTIS provides the following information for individuals in Department of Corrections (DOC) facilities: offender number (prisoner number), last name, first name, date of birth, sex, race, Michigan Compiled Law (MCL) number (crime), prison location, status, earliest release date, maximum release date and date paroled. Data warehouse provides the Social Security number (SSN) in addition to the other information and is updated from DOC weekly.

2. Enter the incarceration date and release date. The incarceration date is the date the individual physically enters the DOC facility or jail. The release date is the date the individual is released from the DOC facility or jail.
  - a. The IV-D worker will enter the month/day/year (mm/dd/ccyy).
  - b. If the IV-D worker does not know the exact date, consult OTIS for the correct dates.<sup>3</sup>
  - c. For prisoners, the IV-D worker will enter the earliest release date using the following guidelines:
    - i. The IV-D worker will set a tickler and check the incarceration status each time the earliest release date is met. The IV-D worker must modify the release date as necessary; or  
Note: Modification of the release date may be needed because MiCSES may incorrectly indicate that the party is not incarcerated, when the party has not been granted parole and remains incarcerated.
    - ii. If the party is paroled, the IV-D worker must change the release date to the paroled date; or
    - iii. If the party is sentenced to life without the possibility of parole, the IV-D worker will set the release date to a high date such as 100 years out, or

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<sup>2</sup> The *Incarceration Indicator* fields on *Member Demographics* (DEMO) screen include: *Incarcerated DT* (date of incarceration), *Released DT* (date of release), *Prisoner's ID* (DOC prisoner identification (ID) number) and *Prison ID* (prison (or jail) location identification number from the *Other Party Table* (OTHX)).

<sup>3</sup> OTIS only provides information on individuals that are within DOC's jurisdiction. County jail information is not available on this database.

leave it blank. The system will read an incarceration date with a blank release date as incarcerated.

3. Enter the prisoner ID number on the DEMO screen. The prisoner ID number may change, the IV-D worker must always verify the prisoner ID number prior to sending any correspondence or legal documents to the individual.
4. Update the member's mailing address. The legal address must only be changed in accordance with MCR 3.203, SCAO policy and OCS policy.<sup>4</sup> The prison location may change frequently. The IV-D worker must verify the prison location prior to generating the forms required by MCR 2.004.

### Viewing

IV-D workers must review incarceration information before taking any manual enforcement action or when filing a petition related to the party's children. The *Incarceration Indicator* is informational only and does not initiate, or suppress any enforcement or review activities.

Incarceration information is located on the:

- DEMO screen in the incarcerated data fields;
- *Inquiry* (INQR) screen in the *IC* field; and
- *Enforcement Processing* (ENFP) screen in the *IC* field.

When initiating an enforcement action on ENFP, the IV-D worker will review the *IC* field next to the member's name. If the *IC* field is "Y" (Yes), the party may be incarcerated; the IV-D worker must consult DOC, or OTIS to determine the party's location and whether the party has been paroled. If the *IC* field is "N" (No), the party is not incarcerated.

A party's incarceration status may affect the IV-D worker's decision to initiate an enforcement action or to initiate a review for modification of child support.

If enforcement is to continue on a person in prison or in jail under DOC jurisdiction, the IV-D worker must follow the requirements of MCR 2.004.<sup>5</sup> Failure to follow MCR 2.004 may result in the court being unable to grant a request for relief and the court may impose sanctions if it appears case information was intentionally withheld from the incarcerated party.

### County Jail Inmates

Inmates of county jails are only subject to the provisions of MCR 2.004 if the inmate was specifically sentenced by the court to DOC jurisdiction. This may occasionally apply to a

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<sup>4</sup> Ref: SCAO Administrative Memorandum 2004-15, *Friend of the Court Guidelines for Determining, Changing, or Suppressing Addresses of Parties and Nonparties*; OCS AT 2005-016, *Revised: Maintenance and Verification of Case Data*.

<sup>5</sup> MCR 2.004 is not intended to apply to time spent in county jail awaiting trial or sentencing.

person in a county jail if the individual was sentenced to DOC's jurisdiction rather than county jurisdiction, such as an incarcerated person transported to county jail for a court hearing, or because of prison overcrowding.

If the individual is sentenced to county jurisdiction, the provisions of MCR 2.004 do not apply but a review for modification of child support may still be appropriate.

Forms

The necessary forms to comply with MCR 2.004 are available from the SCAO website at: [www.courts.michigan.gov/scao/courtforms](http://www.courts.michigan.gov/scao/courtforms). For information on the forms needed to comply with MCR 2.004, the IV-D worker will consult SCAO Administrative Memorandum 2004-05.

**LEGAL REFERENCES:**                    Federal  
None

State  
MCR 2.004

**POLICY REFERENCES:**                SCAO Administrative Memorandum 2004-05, *Procedure for Implementation of MCR 2.004-Incarcerated Parties*.  
SCAO Administrative Memorandum 2004-15, *Friend of the Court Guidelines for Determining, Changing, or Suppressing Addresses of Parties and Nonparties*.  
AT 2005-16, *Revised: Maintenance and Verification of Case Data*.

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

**EFFECTIVE DATE:**                    Upon receipt

**REVIEW PARTICIPANTS:**            Rosemarie Brock, Berrien County  
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None

MFS/DES