



STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



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MICHIGAN IV-D ACTION TRANSMITTAL 2008-040

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

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

DATE: August 27, 2008

SUBJECT: **REVISED:** Parenting Time Abatement Related to the Michigan Child Support Enforcement System (MiCSES) 4.0 Release, Updated to Reflect the 2008 *Michigan Child Support Formula* (MCSF)

PURPOSE:

This Action Transmittal (AT) provides information to IV-D staff concerning parenting time abatement functionality.

Effective October 1, 2008, the MCSF will include a parental time offset formula that eliminates any future parenting time abatements and the Shared Economic Responsibility (SER) formula.¹ The MCSF changes and functionality will be introduced with the MiCSES 5.1 Release.

This AT **does not** introduce new parenting time abatement functionality into MiCSES but rather updates language to reflect the 2008 MCSF. This AT obsoletes AT 2007-017, **REVISED:** *Parenting Time Abatement Related to the Michigan Child Support Enforcement System (MiCSES) 4.0 Release, Updated Uniform Child Support Order (FOC 10) Information.*

A change bar in the left margin indicates where a change has been made in this AT.

DEFINITIONS:

Abated Percentage – The ordered percentage of base support to be decreased during a period of time when the children are with the payer.

¹ Ref: <http://courts.michigan.gov/scao/resources/publications/manuals/focb/2008MCSFmanual.pdf> for more information on the 2008 MCSF.

Abated Support – A reduction in the base support charged under the court order after parenting time occurred and was approved. In MiCSES, this is a correction to a charged amount, not a retroactive modification, and does not necessarily translate to a refund.

Abatement – A reduction of base support during the period of time spent with the payer's child(ren).

Abatement End Date – The date the child returns to the payee after an abatement period. The partial last day is not included in the number of days that the payer exercised parenting time.

Abatement Period – The number of overnights the payer spends with the children for parenting time abatement. The number of overnights must exceed the minimum days required in the abatement provisions in the order.

Base Support – The child support amount calculated in the MCSF that excludes amounts for child care, medical support and educational expenses. Base support is the child support amount minus the Health Care Premium Adjustment (HCPA). The premium adjustment can be a positive or negative number.

Base support is reflected as:

- Child support (CS) minus HCPA; and
- Out-of-state (OS) minus HCPA.

Base support excludes:

- Medical support (MD, MS, MR);
- Child care (CC);
- Educational support (ED); and
- HCPA.

Computation Month – Any month in which any portion of the abatement occurs. If an abatement covers two or more months, there will be a computation month for each of the two or more months.

Daily Abatable Amount – The daily abatable amount is derived from the monthly base support amount per child and converted to a daily amount by multiplying by .033.

Net Arrears – The arrears balance that does not include unpaid current support.

Parental Time Offset (PTO) – The formula used to offset base support based on the number of overnights the children spend with each parent.

Potential Parenting Time Refund Amount – The resulting abatement amount to be potentially refunded to the payer.

Unabated Percentage – When an order requires a certain percentage of base support to be decreased during a period of time when the children are with the payer, the remaining base support amount is the unabated percentage. For example, when the order requires 75 percent abatement when the payer has the children, the unabated percentage is 25 percent (100 percent minus 75 percent).

Unabated Support – The remaining current support amount owed during a month after a parenting time abatement request was approved.

HISTORY/BACKGROUND:

Since the inception of the MCSF, court orders have contained provisions to abate support for extended periods of time that the payer spends with the children. When there is an abatement provision in an order, the payer is entitled to an abatement of support for the period of time spent with his/her children. Prior to the MiCSES 4.0 Release (June 2006), parenting time abatement requests were processed on a case/docket basis, with the same parenting time order information entered for all children on the case, and FOC staff adjusted accounts manually.

With the implementation of the 2008 MCSF, parenting time adjustments will be included within the base support calculation. Abatements will no longer be necessary for newly entered orders and modified orders entered after October 1, 2008. IV-D staff will continue to enter parenting time abatements on MiCSES for orders prior to October 1, 2008.

SUMMARY OF CHANGES:

After the MiCSES 4.0 Release, parenting time abatement functionality in MiCSES included the following:

- Parenting time abatement was handled on a non-custodial parent (NCP)/docket basis;
- Order terms and abatement request periods were recorded for each child individually;
- FOC staff were able to generate notices to the parties through the abatement process;
- MiCSES automatically adjusted the child support account for resolved parenting time abatements;
- After an adjustment occurred, if the result was a negative balance (due to an overpayment), MiCSES adjusted that negative against any existing positives;²
- MiCSES adjusted the payer's arrears on the CS or OS debt types using the

² Ref: AT 2006-042, *Circular Rule: Automatic Arrears Adjustments*, at: http://mi-support.cses.state.mi.us/policy/stateat/?year=2006#AT2006_042.

- parenting time abatement reason code;
- Parenting time abatement periods that cross over months had an adjustment recorded in each month that the parenting time occurred; and
- MiCSES maintained a history of the parenting time terms and abatement requests.

MiCSES 4.0 Release functionality for parenting time abatements will be retained for existing orders.

The changes implemented with the 2008 MCSF effective with the MiCSES 5.1 Release include the following:

- A parenting time offset adjustment for all guideline calculations;
- The elimination of parenting time abatements; and
- The elimination of the SER formula.

PARENTING TIME PROVISIONS:

With the MiCSES 4.0 Release, the *Parenting Time*, *Percentage of Abatement* and *Parenting Days* fields were removed from the *Support Order Entry (SORD)* screen and placed in a *Parenting Time Provisions* pop-up window accessed from the SORD screen. To add, update and display the parenting time provisions, there must be an open case in which Michigan has continuing, exclusive jurisdiction (CEJ). Orders will not necessarily contain the same parenting time provisions for each child on the NCP/docket.

For parenting time abatement functionality to work properly, the most recent parenting time information must be recorded on the *Parenting Time Provisions* pop-up on the SORD screen. Parenting time information can be obtained from the following:

- A *Parenting Time Provisions Order* (e.g., an order drafted by an attorney and signed by the court that outlines the parenting time provisions or the *Order Regarding Parenting Time* [FOC 67]);³ and
- An FOC 10.

Parenting Time Provisions Order

Using the *Parenting Time Provisions Order* or another order containing parenting time provisions, FOC staff will enter the following information on the *Parenting Time Provisions* pop-up on the SORD screen:

- The *Parenting Time Type*

³ Ref: <http://courts.michigan.gov/scao/courtforms/domesticrelations/drindex.htm#cust> for more information on the FOC 67.

MiCSES allows the following *Parenting Time Types* for parenting time abatements:

- *Reasonable* – The order does not specify a parenting time schedule, allowing the parties to work out their own parenting time.
- *Parenting Time Policy* – Some counties have adopted their own policy for parenting time, and the court often orders parenting time in accordance with the policy.
- *Specific* – The court orders specific parenting time (e.g., every other weekend, every other holiday, etc.).

Note: For any orders entered using the 2008 MCSF, IV-D staff must enter the *Specific* reason code detailing parental time offset information.⁴

- SER – The court orders that the NCP⁵ and custodial party (CP) each have the children for substantial amounts of time.

Note: SER applies to orders entered prior to October 1, 2008 only. As of the 2008 MCSF, an order with the parental time offset considers the annual number of overnights each parent will likely provide care for the child. The 2008 MCSF does not allow parenting time abatement on PTO or SER orders. However, under the 2004 MCSF, the support for certain children under a court order may not have been computed using the SER formula.⁶ In this situation, MiCSES allows parenting time abatement on SER orders.

MiCSES does not allow the following *Parenting Time Types* for parenting time abatements:

- *Denied* – Parenting time is denied in the support order.
 - *Not Considered* – Parenting time is not mentioned in the court order.
 - *Reserved* – The court order reserves any decision regarding parenting time.
- The *Parenting Time Order Terms* – This is an optional, free-form text field used to record any special parenting time instructions the court has ordered.

FOC 10

Michigan Court Rule (MCR) 3.211 requires use of the FOC 10 for every judgment or order that includes child support provisions. Using the FOC 10, FOC staff will enter the following information on the SORD screen:

⁴ The Technical Communications Team (TCT) will be publishing future documentation to provide more information on entering orders using the 2008 MCSF in MiCSES.

⁵ The terms “NCP” and “payer” are used throughout this AT and can be used interchangeably.

⁶ Ref: 2004 MCSF 3.06(B) at:

<http://courts.michigan.gov/scao/resources/publications/manuals/focb/2004MCSFmanual.pdf>.

- The *Effective Date* – The date the order states that the parenting time provisions begin, or the date of the order.
- The *Parenting Days* – The number of days required in the support order to qualify for a parenting time abatement.
- The *Percentage of Abatement* – The ordered percentage used to calculate the abatement. When more than one percentage applies for the computation month, the system applies the percentage applicable as of the computation month end date or abatement end date, whichever occurs first. FOC staff must manually calculate the correct abatement amount when multiple percentages occur.

The FOC 10 also contains the base support and HCPA amounts that need to be entered on the *Obligation Entry* (OBLE) and *Obligation Modification* (OBLM) screens.⁷ The FOC 10 separates the base support amount into its two components of support and the HCPA. Base support includes support plus or minus the HCPA for insurance. The following support obligations are listed on the FOC 10:

- Support;
- Premium adjustment;
- Ordinary medical;
- Child care; and
- Other.⁸

Entry of HCPA for CS Obligations

If the payer maintains health care coverage and the monthly support obligation is **reduced** to account for the CP's share of the health care premiums, the HCPA would be entered as a *negative* amount on the FOC 10. If the payee maintains health care coverage and the monthly support obligation is **increased** to account for the payer's share of the health care premiums, the amount would be entered as a *positive* amount on the FOC 10. Likewise, the HCPA can be recorded on MiCSES as a positive or a negative amount.⁹

⁷ Ref: *MiCSES Quick Reference Guides (QRGs): OBLE – Add a New Obligation*, at: <http://mi-support.cses.state.mi.us/systems/micses/document.aspx?id=834> and *OBLM – Modify Obligation Terms*, at: <http://mi-support.cses.state.mi.us/systems/micses/document.aspx?id=835>.

⁸ Some FOC 10s list the HCPA as "Other."

⁹ Ref: Frequently Asked Question (FAQ) 2005-02 at: <http://courts.michigan.gov/scao/resources/publications/focbnewsletters/FAQ2005-02.pdf> (page 3, question 1) for more information on why the HCPA is adjusted out of the base support and noted as a positive or negative amount.

For the abatement calculation on the *Parenting Time* (PART) screen to work correctly and to use the system in automating most of the abatement process, the HCPA on the FOC 10 must be entered in the *MTHLY HC PREM ADJ* field on OBLE/OBLM. While doing the abatement calculation on the PART screen, if the MTHLY HC PREM ADJ is 0 and the obligation was entered into MiCSES before the *MTHLY HC PREM ADJ* field was available, the base support may have had an HCPA that was not recorded. FOC staff must review the most recent support order to determine whether there was an HCPA and whether the adjustment is subject to abatement.

Prior to the 5.1 release, the FOC 10 read: “The premium adjustment is is not subject to abatement.” Pursuant to the 2008 MCSF, the option to subject the premium adjustment to an abatement will become obsolete. For orders following the 2004 MCSF, enter the order on MiCSES as follows:

When the FOC 10 reads: “The premium adjustment **is** is not subject to abatement,” FOC staff will enter a “0” in the *HCPA* field. Not entering the HCPA value from the FOC 10 will allow MiCSES to compute the abatement with the adjustment included as part of the abatement. Even if an adjustment dollar amount (negative or positive) is recorded in the *Premium adjust.* field on the FOC 10, only “0” should be entered in the *MTHLY HC PREM ADJ* field on OBLE/OBLM.

When the FOC 10 reads: “The premium adjustment is **is not** subject to abatement,” and a positive amount is entered in the *Premium adjust.* field on the FOC 10, FOC staff will enter the HCPA amount from the FOC 10 as a positive value in the *MTHLY HC PREM ADJ* field on OBLE/OBLM.

When the FOC 10 reads: “The premium adjustment is **is not** subject to abatement,” and a negative amount is entered in the *Premium adjust.* field on the FOC 10, FOC staff will enter the HCPA amount from the FOC 10 as a negative value in the *MTHLY HC PREM ADJ* field on OBLE/OBLM.

Entry of HCPA for OS Obligations

The PART screen displays dependents associated with the NCP/docket when the NCP has a CS or OS obligation. OS accounts can contain obligations other than the obligation that would be in the CS account if another state was not involved. MiCSES will treat the OS obligations just like CS accounts and will either increase or reduce the HCPA amount. However, FOC staff must review the accounts existing prior to the creation of the OS account to determine whether amounts other than CS, such as child care, medical support, or educational expenses, are included in the OS account. Those obligations are not abatable and must not be included in the abatement.¹⁰

¹⁰ For more information on OS obligations, reference the *MiCSES QRGs: OBLE – Add a New Obligation* and *OBLM – Modify Obligation Terms*.

PARENTING TIME ABATEMENT REQUESTS:

This section only applies to orders entered prior to October 1, 2008, under the 2004 MCSF (or earlier versions) that contain a parenting time abatement provision.

State Court Administrative Office (SCAO) staff suggest that FOC offices establish policies requiring parties to submit parenting time abatement requests within six months of the exercised parenting time.¹¹ FOC staff will enter the dates of the abatement request submitted by the parties, and MiCSES will determine the abatement period. MiCSES will validate the provisions to ensure that the correct information was entered for each dependent to perform the calculations. When incorrect information is entered or if a parenting time abatement is not allowed on the case, FOC staff will generate the *Generic NCP and CP Letter* (FEN164) and manually fill in the appropriate text explaining why the abatement is not allowed.¹²

Some FOC offices allow the payer to claim extended parenting time periods in pieces. Parenting time abatement periods can overlap the first day of one period with the last day of another.

Example:

Mr. Smith has his child from August 1 through August 31. On August 15, Mr. Smith submits a parenting time request for August 1 through August 15. Mr. Smith later submits another parenting time request for August 15 through August 31, so the start date equals the end date of the last request.

FOC staff enter the dates on the *PART Dependent Details* pop-up with the start date of August 1, and the end date of August 15. Then they enter the second request with a start date of August 15 and an end date of August 31. MiCSES will determine the abatement period and the calculation.

FOC staff will choose the following *Parenting Time Statuses* on the PART screen:

- *Requested* – The NCP or CP requests a parenting time abatement.
- *Disagreed* – The NCP or CP disagrees with the parenting time abatement request.
- *Resolved* – The NCP and the CP agree to the parenting time abatement request. Final processing of the parenting time abatement will commence.

FOC staff may also choose the *“Dispute” Parenting Time Status*. The *“Dispute” Parenting Time Status* won't affect the abatement process. Choosing this status means that the NCP or CP have disputed parenting time provisions (e.g., NCP did not pick up

¹¹ Ref: SCAO *Administrative Memorandum* 1998-09 at: <http://courts.michigan.gov/scao/resources/other/proc.htm#1998>.

¹² Ref: FEN164 at: http://mi-support.cses.state.mi.us/systems/micsecs/forms/application_forms/pdfs/FEN164.pdf.

children for parenting time or CP did not allow NCP to exercise parenting time with children).¹³

NOTIFICATION OF ABATEMENT TO OTHER PARTY:

FOC staff may notify the other party of the parenting time abatement. This will give the party an opportunity to disagree with the parenting time abatement.

The *Parenting Time Result Notice* (“notice”) (FEN046), a locally generated form in MiCSES with several selectable paragraphs, will be used to inform parties of the parenting time abatement status. The *Parenting Time Status* on the PART screen will determine which of the following selectable paragraphs prints:

- *Requested* (Ref: Attachment 1);
- *Disagreed* (Ref: Attachment 2); or
- *Resolved* (Ref: Attachment 3).

All versions of the FEN046 include a paragraph advising the parties that the current support payment may be reduced in the event the support is overpaid due to the parenting time abatement. If the CP does not object to the abatement, the abatement will be given to the NCP. If an objection occurs before a current support payment is reduced or refunded, FOC staff must change the *Parenting Time Status* to *Disagreed* so the current support will not be reduced and to avoid a refund to the NCP. When there is a disagreement on the reduction in the current support payment, one of the following may occur:

- The CP may agree to reimburse the NCP for the overpayment as a result of the parenting time; or
- The CP may agree to the reduction in the current support as a result of the parenting time abatement.¹⁴

When the CP agrees to reimburse the NCP for the overpayment instead of having a reduction in current support, FOC staff must do the following:

- Change the adjustment amount to “0” on the *Abatement Calculations* pop-up on PART;
- Change the *Parenting Time Status* to *Resolved* on PART; and
- Close the parenting time chain on the *Enforcement Processor* (ENFP) screen.

¹³ MiCSES continues to use existing functionality for the dispute process, including the *Adjustment Types* of *Makeup* and *None*.

¹⁴ Ref: Federal Office of Child Support Enforcement (OCSE) Policy Interpretation Questions (PIQs) *Recoupment of a Child Support Overpayment 02-01*, at: <http://www.acf.hhs.gov/programs/cse/pol/PIQ/2002/piq-02-01.htm>, and *Recoupment of a Child Support Overpayment 03-02*, at: <http://www.acf.hhs.gov/programs/cse/pol/PIQ/2003/piq-03-02.htm>.

The “Requested” notice states that the parties have 14 days to respond to the abatement or the payer’s account will be reduced by the amount of the abatement. MiCSES will automatically adjust the account after 21 days if FOC staff do not change the *Parenting Time Status*.

If objections to the abatement request are received, FOC staff will change the *Parenting Time Status* to *Disagreed* and the “Disagreed” notice will be generated. The “Disagreed” notice notifies the parties that there was a disagreement with the original notice and states that the parties have 14 days to respond. MiCSES will automatically adjust the account after 21 days if FOC staff do not change the *Parenting Time Status*. MiCSES will alert the FOC worker after 14 days if the *Parenting Time Status* has not been updated to *Resolved*. When the parties cannot agree on the abatement, FOC staff will plan a hearing or conference to resolve the matter. FOC staff will move the ENFP chain to “hearing scheduled” until it is *Resolved*. During this time, the *Parenting Time Status* will remain *Disagreed* until the worker moves the chain to *Resolved*.

Once the parties agree on the abatement, FOC staff will change the *Parenting Time Status* to *Resolved* and the “Resolved” notice will be generated. The “Resolved” notice contains the final determination of the abatement request. MiCSES will automatically change the *Parenting Time Status* to *Resolved* after 21 days if there are no objections noted in MiCSES.

Note: When the parenting time chain closes, the overnights contained within the abatement period can no longer be modified. The overnights contained within an abatement period cannot be claimed in a subsequent parenting time chain for that child.

On all versions of the FEN046, FOC staff may enter additional text in the last paragraph. This is known as the “Optional” paragraph.

The FEN046 also includes a standard mailer page listing the names and addresses of the CP and NCP to whom the FEN046 is directed. The addresses will print on the mailer page regardless of whether there is a *Family Violence* indicator associated with the CP or the NCP.

The *Parenting Time Credit Worksheet* is attached to all versions of the FEN046. The worksheet provides the CP and the NCP with specific information related to the abatement request, including:

- Child(ren)’s name(s);
- Parenting time begin date;
- Parenting time end date; and
- Credit amount.

If FOC staff do not want to send an abatement notice to the parties, they can move the *Parenting Time Status* from *Requested* to *Resolved*. This will allow the parenting time

abatement process to advance at an earlier time and immediately adjust the account. If an objection is received, FOC staff will follow the county procedures already in place for parenting time request disputes.

ABATEMENT ADJUSTMENT TYPE:

FOC staff will choose the *Adjustment Type* for NCP/docket level or the overall NCP/level on the PART screen before starting a new abatement request. It is the local county office's choice as to whether its staff will select NCP/docket level or the NCP/level for abatements. FOC staff will determine the *Adjustment Type* by examining the following criteria:

- **NCP/Level – Parenting Time Arrears (SPTM) Hold Code**

When FOC staff select *NCP/Level* for the *Adjustment Type* on the PART screen, MiCSES must search for all of the payer's obligations across all his/her orders to see if a net arrears balance exists. When *NCP/Level* is chosen:

- Payments apply to **any** arrears the NCP owes; and
- Payments may refund to the NCP if no arrears exist at the NCP level.

When a net arrears balance exists, the money is placed on SPTM hold. SPTM is a seven-day hold. FOC staff must manually distribute the money on SPTM to the CS or OS arrears. If no arrears exist, the parenting time abatement will refund to the NCP the day following the SPTM seven-day hold period.

Note: If the money is refunded to the NCP from SPTM, the potential parenting time refund amount will not be reduced again.

- **NCP/Docket Level – Parenting Time Refund (SPTR) Hold Code**

When FOC staff select *NCP/Docket Level* for the *Adjustment Type* on the PART screen, MiCSES will check whether any arrears exist on the docket. When arrears exist, money will go to SPTM and will apply to the CS or OS arrears. When no arrears exist, money will go directly to the SPTR hold code and will refund to the NCP. When *NCP/Docket Level* is chosen:

- Payments will apply to the arrears if the NCP owes at the docket level; and
- Payments will refund to the NCP if the NCP does not owe at the docket level.

AUTOMATIC PARENTING TIME ADJUSTMENT:

Once the *Parenting Time Status* reaches *Resolved*, MiCSES will automatically adjust the payer's account. Payments the NCP had made for the month that parenting time occurred will be applied to that month's current charges. Once current support charges

have been reduced by the parenting time abatement, 45 Code of Federal Regulations (CFR) 302.51 dictates that the payments for the month that parenting time occurred must apply to arrears. When there have been no arrears due in the month that parenting time occurred, the NCP's payment will be applied to future months pursuant to these same federal regulations. The payment the CP received in the month that parenting time occurred will be considered for both current support (that month) and future support. Assuming no months went unpaid (i.e., no arrears accrued) between the month parenting time occurred and the month the abatement (reduction) was resolved, the payment will continue to apply to future support.

Therefore, the CP will receive the unabated percentage from this month's payment made by the NCP – this pays the current support for this month. Any payments made to the balance of the current support due (the abated percentage of current support) will be refunded to the NCP up to the amount of the potential parenting time refund amount.

Since the NCP has no arrears, the payment (s)he made in a prior month will be refunded to him/her in the current month as a reduction in the current support due.

Parenting time adjustments occur in the month that the parenting time occurred. If parenting time occurs over more than one month, the adjustment will occur for each month independently. MiCSES will determine the assistance type for the effective month of the parenting time adjustment. Adjustments will be made to state arrears (i.e., permanently assigned arrears [PAA]) if the family was on assistance during parenting time and to family arrears (i.e., never assigned arrears [NAA]) if the family was not on assistance during parenting time. MiCSES must only compute the net arrears balance for the obligation under the NCP/docket to determine the abatement. If the NCP has -\$500 in NAA on Docket 1 and \$200 in PAA, then the net arrears balance for the NCP is -\$300.

Any time a negative or positive arrears amount is introduced, either manually or automatically, the circular rule process in MiCSES will search for arrears on accounts with the same recipient to adjust against it.¹⁵ If the abatement spans many months, this process will only happen once after all of the dependent's obligations have been adjusted for all the months. After the circular rule process runs, if the obligation parenting time adjustment results in an overpayment, MiCSES will record the overpayment as a potential parenting time refund against that obligation.

The reduction in support due to parenting time abatement may affect surcharge calculations for a given period. MiCSES will identify whether surcharge was assessed after the parenting time adjustment period. When the parenting time adjustment period is approved after January 1, or July 1 for parenting time prior to January 1, or July 1, MiCSES will notify FOC staff that surcharge was assessed. FOC staff can manually

¹⁵ Ref: AT 2006-042, *Circular Rule: Automatic Arrears Adjustments*.

review charges and payments to determine whether the NCP paid 90 percent of the current support due; MiCSES cannot make that determination.¹⁶

POTENTIAL PARENTING TIME REFUND AMOUNT:

Once the parenting time abatement adjustment is determined, the amount to be potentially refunded to the NCP is recorded. FOC staff will start a parenting time chain through the ENFP screen. MiCSES will maintain the potential parenting time refund at an obligation level when:

- The receipt is first placed on either of the two parenting time hold codes;
- The original receipt that reduced the potential parenting time refund is backed out, and the portion of the receipt that reduced the potential parenting time refund is on hold;
- The check or electronic funds transfer (EFT) is voided, the receipt is already backed out, and the original receipt has decreased the potential parenting time refund;
- Manual parenting time adjustments on the *Obligation Arrears Adjustment* (OBAA) screen or the PART screen modify potential parenting time refunds; and
- Automatic parenting time adjustments initiated on the ENFP screen modify the potential parenting time refunds.

Note: If the abated percentage is refunded to the NCP from an SPTM hold, the potential parenting time refund amount will not be reduced again.

If the NCP is going to receive a refund, it will not occur until current support is first paid to the CP. Any amount after current support is paid will go on one of the two hold codes (SPTM or SPTR) if a potential parenting time refund exists.

MODIFICATIONS TO MONTHLY ORDER AMOUNTS:

According to Michigan law,¹⁷ all support orders must be stated in monthly amounts. The monthly charge is a distinct amount that can only be calculated by using the SCAO calculator.¹⁸ The SCAO calculator¹⁹ allows FOC staff to copy the calculation for the monthly charge and paste it into the notes for the parenting time provisions. These notes from the SCAO calculator will show FOC staff why the amount changed within the month and how the calculation was made. FOC staff must convert obligations that are

¹⁶ To adjust accounts accordingly and learn how to handle surcharge, reference AT 2005-036, *Surcharge for the Michigan Child Support Enforcement System (MiCSES) 3.5 Release, Ordered on Arrears MiCSES 3.5 Updates, Allocation and Distribution Changes*, at:

http://mi-support.cses.state.mi.us/policy/stateat/?year=2005#AT2005_036.

¹⁷ Ref: Michigan Compiled Law (MCL) 552.605c(1) at:

[http://www.legislature.mi.gov/\(0qu4jxff5tuhqjber0b1amrm\)/mileg.aspx?page=GetMCLDocument&objectname=mcl-552-605c](http://www.legislature.mi.gov/(0qu4jxff5tuhqjber0b1amrm)/mileg.aspx?page=GetMCLDocument&objectname=mcl-552-605c).

¹⁸ OCS published policy in AT 2003-001, *Converting Support to Monthly Amounts and Prorating Support*, to comply with state law. Ref: http://mi-support.cses.state.mi.us/policy/stateat/?year=2003#AT2003_001.

¹⁹ Ref: SCAO Prorating, Converting Monthly Support Order and Parenting Time Abatement Calculator at: http://courts.michigan.gov/scao/resources/publications/focbnewsletters/ProRateCS_PTA.xls.

not stated in monthly amounts by using the SCAO child support formula conversion factors.

Some orders have an effective date other than on the first day of the month. These orders may require the calculation for parenting time abatements to be based on a daily rate. *SCAO Administrative Memorandum 2002-10*²⁰ provides a conversion formula for orders that have effective dates in the middle of the month.²¹ To assist in figuring abatements, SCAO created a spreadsheet that figures abatements, even during months that support amounts change, and added it to the SCAO calculator.²²

Whenever an obligation changes during the month in which the abatement is claimed, FOC staff must calculate the parenting time abatement manually. FOC staff must check to see if a modification has occurred during the parenting time; if it has, then the calculation for the abatement in MiCSES may be inaccurate. FOC staff can determine whether a modification occurred by:

- Viewing the OBLM screen to verify whether a change occurred from the previous month;
- Viewing the *Notes Processor* (NOTE) screen to find any information on the obligation changes;²³ or
- Reviewing the paper file for order modifications.

CONVERSION OF EXISTING PARENTING TIME ABATEMENT FUNCTIONALITY:

Implementation of the parenting time task for the MiCSES 4.0 Release will update existing parenting time records. The most recent parenting time abatement order terms will be converted to create parenting time provisions for the NCP/docket.

OCS has given the counties a report that lists all open parenting time chains prior to the MiCSES 4.0 Release. The hotline message that was sent out on May 24, 2006, stated that FOC staff must do one of the following²⁴ once the cases on the report are reviewed:

- Update the parenting time calculation on the PART screen.
 - Send the parties new notices with the new calculated amounts; and
 - Follow procedures for parenting time abatement requests.

²⁰ Ref: *SCAO Administrative Memorandum 2002-10* at:

<http://courts.michigan.gov/scao/resources/other/proc.htm#2002>.

²¹ HCPA must be prorated the same as the base support obligations.

²² Ref: FAQ 2003-01 at:

<http://courts.michigan.gov/scao/resources/publications/focbnewsletters/faq.htm#2003-01>.

²³ Ref: <http://mi-support.cses.state.mi.us/systems/miceses/document.aspx?id=840> for more information on initial charges, final support charges and mid-month modification obligations.

²⁴ For more instructions on how to correct these cases, reference:

http://mi-support.cses.state.mi.us/systems/notifications/display_notification.aspx?notification_id=3828.

Note: This may change the amount of the abatement.

Or:

- Allow the parenting time abatement adjustment to be rejected.
 - Wait for MiCSES to reject the abatement; and
 - Adjust the abatement to the original notice that was issued.

Note: Adjusting the balances will require manual work.

LEGAL REFERENCES:

Federal
45 CFR 302.51

State
MCL 552.605c(1)
MCSF 3.01-3.04
MCSF 3.06(B)
MCR 3.211

POLICY REFERENCES:

SCAO Administrative Memorandum 1998-09
SCAO Administrative Memorandum 2002-10
2004 Michigan Child Support Formula Manual
2008 Michigan Child Support Formula Manual
OCSE PIQ-02-01, Recoupment of a Child Support Overpayment
OCSE PIQ-03-02, Recoupment of a Child Support Overpayment
AT 2003-001, Converting Support to Monthly Amounts and Prorating Support
AT 2006-042, Circular Rule: Automatic Arrears Adjustments
AT 2005-036, Surcharge for the Michigan Child Support Enforcement System (MiCSES) 3.5 Release, Ordered on Arrears MiCSES 3.5 Updates, Allocation and Distribution Changes

AT MAINTENANCE:

Retain AT until further notice. Obsolete AT 2007-017, **REVISED**: *Parenting Time Abatement Related to the Michigan Child Support Enforcement System (MiCSES) 4.0 Release, Updated Uniform Child Support Order (FOC 10) Information.*

EFFECTIVE DATE:

Upon receipt.

REVIEW PARTICIPANTS: Financials Work Improvement Team
Friend of the Court Association Review Board
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ATTACHMENTS:

- Attachment 1 – *“Requested” Parenting Time Result Notice (FEN046)*
- Attachment 2 – *“Disagreed” Parenting Time Result Notice (FEN046)*
- Attachment 3 – *“Resolved” Parenting Time Result Notice (FEN046)*

MFS/RLE