



Michigan Supreme Court  
State Court Administrative Office  
Friend of the Court Bureau  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, Michigan 48909  
Phone (517) 373-5975

Steven D. Capps  
Director

## MEMORANDUM

DATE: October 2, 2008

TO: Circuit Court Judges  
Family Division Judges  
Friends of the Court

cc: Circuit Court Administrators  
Family Division Administrators

FROM: Steven D. Capps

RE: Confinement Obligation Calculations

---

State law requires the friend of the court in each county to collect confinement expenses (i.e., expenses related to the birth of a child). For many years, courts have used the Michigan Child Support Formula Manual (MCSFM) to provide methods for dividing assessments of confinement expenses between the parties based on their ability to pay. The Michigan Office of Child Support is requesting a slight change to the method of determining confinement expenses for Medicaid cases, based on federal guidelines. The new method differs from the method included in previous MCSFMs only in that it sets a maximum confinement obligation based on the payer's ability to pay; in other aspects, the assessment for confinement expenses established under the MCSFM remains unchanged. Prosecutors will be using the new method to determine a recommended confinement obligation amount in paternity and family support cases.

**Courts must generally enter orders that use the new method or they risk jeopardizing federal funding for their friend of the court offices. However, courts may deviate from the formula if they follow a specific procedure** in ordering an amount that is different from the amount determined by the new calculation method or if the repayment rate is different than the amount set forth in the formula. To deviate from the amount, the order must state:

1. The amount recommended and rate for confinement;
2. How the amount ordered for confinement deviates from the amount recommended;

## Confinement Obligation Calculations

Date October 2, 2008

Page 2

3. The value of property or other support awarded instead of the payment of confinement, if applicable; and
4. The reason why ordering confinement as recommended would be unjust or inappropriate.

Courts can find the new calculation method in the Office of Child Support's "Confinement Obligation Formulas" policy (Action Transmittal 2008-024) that became effective June 9, 2008, and also in an online index of many Office of Child Support policies available at:

<http://www.mfia.state.mi.us/ChildSupport/policy/#C>. Courts may also obtain a copy of Action Transmittal 2008-024 by contacting the Office of Child Support.

Note: The changes mandated by this amendment apply only to confinement obligation amounts established for Medicaid-paid cases; the formula used to calculate confinement obligation amounts for non-Medicaid-paid cases remains unchanged (based on percentages as determined using the Michigan Child Support Formula Manual). This existing standard meets the federally-regulated requirements, but orders deviating from that standard also must contain the reasons enumerated above to ensure federal funding and the use of all federal child support enforcement tools.

Courts or friends of the court should address questions or comments to Timothy Cole at 517-373-9663 or [colet@courts.mi.gov](mailto:colet@courts.mi.gov).