



Working Together to Improve Outcomes for Incarcerated Parents: Partner Forum 2017 and Beyond

Every year, the partners of Michigan's child support program gather for "Partner Forum," where representatives from friends of the court, prosecuting attorneys, the Office of Child Support, and the Friend of the Court Bureau (collectively, the "partners") discuss, brainstorm, and strategize about key issues.



Erin Frisch

On Wednesday, November 15, 2017, the partners met in Lansing at the Hall of Justice and spent the majority of the day talking about the overlap between corrections and child support – a topic that historically has not received much attention.

The Office of Child Support director, Erin Frisch, welcomed everyone and set the tone by relating her own journey on the topic of incarcerated parents. Her view evolved from a feeling that incarcerated and formerly incarcerated parents should not receive special attention – to a realization that within this population lies an opportunity for the child support program to significantly improve upon its mission of "engaging parents to improve children's lives."

A Month in the Life

The big excitement of the day was a reentry simulation coordinated by the federal Office of Child Support Enforcement (OCSE) representatives, titled, "Returning Citizens: A Month in the Life."¹

During the simulation, participants role-played four weeks in the life of a returning citizen, focusing on tasks designated to their assigned persona. Some of the tasks included: obtaining employment; checking in with a parole officer regularly; and visiting a clinic for urinalysis drug screening as a condition of parole. Simulation participants were quickly frustrated by lines too long to complete tasks within the timeframe allowed, and even more so by unforeseen obstacles such as not having the correct paperwork to accomplish a task, not having transportation to move from one agency to another, and being treated unfairly or with hostility by the simulation's agency actors.

With a sense of the overwhelming burden that is everyday life for those recently released from incarceration, presentations on more specific topics began.

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¹ Jeffrey Stocks, Program Specialist with OCSE, explained to participants that the simulation could be conducted for other groups in the future. The Friend of the Court Association recently ran the simulation again on February 22, 2018, at its annual winter conference.



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Improving Outcomes for Incarcerated Parents

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Federal Collaboration

A few speakers from the federal level presented on “Working with Incarcerated Parents.” Speakers included Jeffrey Stocks and Ryann Moore from the federal OCSE, and Matt Hibbard from the federal Bureau of Prisons (BOP). They shared how the relationship developed between OCSE and BOP, and why that collaboration is important. Jeffrey Stocks described the huge number of families across the U.S. impacted by parental incarceration:²

- Nearly 60% of all incarcerated individuals are parents.
- 90% will be released back to the community.
- Roughly 2.7 million children have a parent in prison at any given time – that is 1 in every 28 children.
- More than 10 million children have had a parent in prison (past or present).

The partnership between BOP and OCSE has led to the presentation of child support matters to parents soon to be or currently incarcerated through both a pre-trial orientation program and in-reach sessions at BOP facilities. The two agencies have also implemented some training on child support matters for BOP personnel, and OCSE has published a child support [modification guide](#) largely geared toward informing incarcerated parents of their options and resources.

Local Grant-funded Collaboration

A panel discussion about a recent Lansing-area project uncovered tangible possibilities for friend of the court offices to form collaborative relationships locally. Panelists explained lessons learned in their talk, “Financial Empowerment for Incarcerated Parents.” The panelists included project partners: Robert Engel, Outreach Specialist with the City of Lansing, Harry Moxley, Director of the Ingham County Friend of the Court and Deputy Court Administrator, and Crissa Blankenburg, Reentry Specialist with the Michigan Department of Corrections.



Robert Engel

Robert Engel outlined the overall history and trajectory of the project. The [City of Lansing Office of Financial Empowerment](#) was awarded a grant from the Capital Region Community Foundation in 2016. The grant project – named “Financially Empowering Offenders by Avoiding Common Pitfalls” – assisted incarcerated individuals in the Lansing area with financial concerns during pre-sentence and post-release processes. Addressing issues during these stages can lessen the financial struggles individuals often experience upon release, therefore increasing the likelihood of success for these at-risk individuals.

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² Statistics from the OCSE presentation, “Bureau of Prisons & Child Support Collaboration.” Association for Children and Families, Office of Child Support Enforcement. Revised February 22, 2018.

Improving Outcomes for Incarcerated Parents

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The project focused on identity theft, safe places to keep financial assets during incarceration, and child support issues. The project was successful across the board, but the most profound results came from the child support work.

The project worked with 145 recently incarcerated parents and 77 re-entering parents. The child support work focused on helping these parents seek appropriate modification³ of their child support obligations to ensure obligations were based on parents’ actual, current ability to pay (“right-sizing” orders). Project partners also educated parents about their option to request forgiveness of state-owed arrears. In total, \$209,178 of state-owed arrears was eligible for forgiveness.

The project team also tracked payment patterns for the 6 months before and after incarceration for the 77 re-entering parents:

Incarceration Status	Cumulative Payments
6 months before incarceration	\$1,918
6 months after, with project services	\$28,532
6 months after, support modification and/or state arrears forgiven	\$20,409

Significantly more payments were made after incarceration, while receiving services from the Office of Financial Empowerment, as compared to the same length of time before incarceration. Also, the correlation is strong between right-sized support orders and consistent support payments.

This project took a very proactive approach to incarcerated parents, providing financial counseling when the individual’s financial situation was changing. Financial counseling appears to be a key element of success. Here the Office of Financial Empowerment helped navigate around the “common pitfalls,” complexities of life simultaneously dictated by child support and corrections. Partners learned that lasting progress can be made when multiple agencies work together toward a common goal of strengthening families.

The team plans to continue its work past grant funding and encourages other regions to develop similar working relationships.

Questions about the project can be directed to Robert Engel at Robert.Engel@lansingmi.gov. Also, the City of Lansing published a short [video](#) with testimony from project partners and participants.

Current Statewide Collaboration

All Michigan friend of the court offices have the opportunity to work more effectively with MDOC, the topic of Crissa Blankenburg’s presentation to the forum, “Offender Success Starts with Collaboration.”



Crissa Blankenburg

Blankenburg explained that the end goal of MDOC’s Offender Success model is to reduce crime by ensuring that every person released from Michigan state prisons can obtain employment and self-sufficiency – desired outcomes that overlap with the child support program’s focus on parents

supporting their children. To meet this goal, MDOC is seeking collaborative relationships with other agencies.

Within the Offender Success model, Blankenburg currently leads a project called “Clean Slate,” which clears the path to success for offenders soon to be released from one of the state’s two Vocational Villages. At the Vocational Village sites, offenders receive education and job-specific training to set them up for employment at a living wage upon release. MDOC’s employment counselors and job developers engage with potential employers to match offender skill sets with employers’ needs. Early on, Clean Slate recognized major obstacles to success that included suspended driver’s licenses and lack of knowledge about child support obligations, among other issues.

Because Blankenburg already had some exposure to child support matters from Lansing’s grant project, she seized the opportunity to ask for guidance from OCS and FOCB in implementing new MDOC processes to help soon-to-be parolees understand their child support obligations and options better.

Conversations in a collaborative group setting continue monthly and have already resulted in better cross-agency

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³“Appropriate modification,” meaning according to guidelines set forth in the [Michigan Child Support Formula, MCL 552.605](#).

Improving Outcomes for Incarcerated Parents

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understanding and sharing of contact information between MDOC and child support agencies. Future plans include a process by which MDOC will notify friends of the court about a payer's expected release, expected address upon release, expected employment upon release, plus contact information for the facility coordinator.⁴

Blankenburg closed with, "Together we can empower this population to take their place as returning citizens focused on doing the right thing ... and that in turn yields positive benefits for their families and communities."



Left to right: Shawn Tylutki (MDOC–Vocational Village), Nicole Reinsch (MDOC), Amy Lindholm (SCAO–Friend of the Court Bureau), Erica Stoll (OCS–Central Operations), Crissa Blankenburg (MDOC–Offender Reentry), Ryan Powell (MDOC–Offender Reentry), Melanie Cascaddan (MDOC–Parole), Clinton Auer (MDOC–Parole).

⁴ [SCAO Administrative Memorandum 2018-01, Adjusting Current Support Due to Incarceration](#). MCR 3.218 provides for access and disclosure of friend of the court records. If a governmental agency provides services to a parent or a parent has an application for services pending with the agency, MCR 3.218(B) allows an FOC office to disclose nonconfidential FOC records to that agency. Some FOC records are also IV-D records. MCR 3.218(C) permits disclosure of confidential and nonconfidential records to other agencies "as necessary for the friend of the court to implement the state's plan under Title IV, Part D of the Social Security Act, 42 USC 651 et seq., or as required by the court, state law, or regulation that is consistent with this state's IV-D plan."

Submit your story for the
"Beyond the Numbers" column.

Each quarter one story will be chosen
for publication in *The Pundit*.

Whatever position we hold in the IV-D world, it can sometimes feel that we are all chasing dollars in some way or another. A child's livelihood, a parent's ability to care for a child, and even our offices' ability to provide services can all be measured in cash.

*But **beyond the numbers**, every case is a story of a real family's unique challenges, struggles, and sometimes because of our help...successes. These stories play out across Michigan, and child support professionals see them every day where they work and where they live.*

*What stories motivate you? Submit your **Beyond the Numbers** article for the chance to share it with your colleagues across the state in the next Pundit edition.*

To submit, visit
<http://michildsupportpundit.blogspot.com/> and
scroll to the bottom

OR email your story to the editor:

LindholmA@courts.mi.gov



Cross-Court Obligation to Ensure Justice for Families

[Editor's note: This is the second article in a three-part series focusing on continued improvements to cross-court understanding between state and tribal courts through education and collaboration.]

The [first article in this series](#) discussed how tribal courts can operate differently from state courts, the overlap in child support responsibilities between tribal and state courts, and profiled two tribal court chief judges who collaborate with nearby friend of the court (FOC) offices.

Retired Michigan Supreme Court Justice Michael Cavanagh said, “Our state courts can benefit greatly from becoming familiar with tribal court procedures and practices and the peacemaking model.”¹

Following that wisdom, this article delves deeper into how tribal courts interact with their litigants and then explores one example of a strong partnership between a tribal court and a state court on child support matters.

Procedural Justice² for Tribal Court Litigants

Chief Judge Michael Petoskey³ presides in the tribal court of the Pokagon Band of Potawatomi Indians community and explained his vision for the design of its tribal court. “Because I’ve been on the bench for over 30 years as a tribal court judge in different tribal communities in Michigan, I am in a leadership position to develop justice tools and systems that are culturally based and are meaningful to native people.”

He continued, “Very early on in my career, I was chief judge of my own tribal community. A young man walked in, tossed his head back toward the ceiling, rolled his eyes, and said, ‘This looks like a *white man’s* court.’ That set me out on a journey to think about how tribal courts ought to look, how they ought to reflect who we are culturally.”

He says that today the Pokagon Band Tribal Court feels informal, friendly, and approachable. “When you walk into our courtroom, you can see that you are in a ... (chuckles) ... well, you are *not* in a state court. It *projects* culture,” he shared.



The courtroom of the Pokagon Band Tribal Court displays cultural elements.

The literal scent in the courthouse comes from sage “smudging,” a native ceremonial process meant to rid the environment of negativity and create an environment to start afresh.

Chief Judge Petoskey explained, “Every Monday we begin the work week with a smudging, and then also we do a smudging if we need to throughout the work week for particular matters.”

In addition, litigants and attorneys may use the sage before a proceeding, if they desire. “If we have a matter where we know people are going to be emotional, we will do a smudging. The litigants may request it,” he explained.

Another thing that sets Chief Judge Petoskey’s tribal court apart from state courts is the Native American artwork that decorates the court building and courtroom. One piece depicts the “Seven Grandfathers”⁴ – the traditional cultural values of the Pokagon Band, which Chief Judge Petoskey says he frequently references during hearings. He describes another courtroom piece, titled “Sacred Justice,” as “a visual representation of our obligation to ensure justice.”

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¹ Michigan Supreme Court. “Michigan’s Judiciary Success Stories: How Tribal, State, and Federal Courts Are Collaborating to Benefit Michigan Families” (November 2017), at 24. (http://courts.mi.gov/Administration/SCAO/Documents/Tribal-State-Fed%20Success%20Stories%2011-3_FINAL.pdf.)

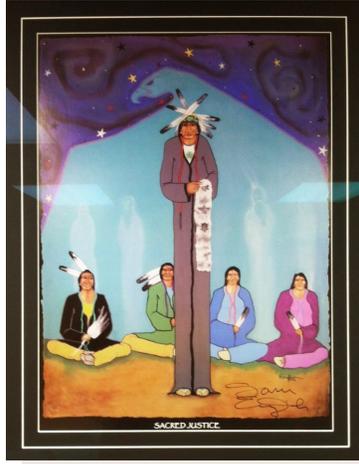
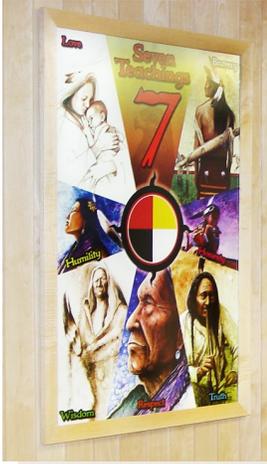
² Procedural justice is the concept of fairness in the process which determines the result to be just or fair, rather than basing fairness solely on the outcome itself. Core principles of procedural justice include voice, neutrality, respect, and trust.

³ The first article in this series, “Putting Our Minds Together for Our Children,” includes a profile of Chief Judge Petoskey (<http://michildsupportpundit.blogspot.com/2017/12/putting-our-minds-together-for-our.html>).

⁴ The “Seven Grandfathers,” or Anishinaabe traditional cultural values, include: respect, love, truth, bravery, wisdom, generosity, and humility (<http://ojibwe.net/projects/prayers-teachings/the-gifts-of-the-seven-grandfathers>).

Cross-Court Obligation to Ensure Justice for Families

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(Left) The “Seven Grandfathers,” or “Seven Teachings,” and (right) “Sacred Justice” artwork displayed in the Pokagon Band Tribal Courtroom.

Shape is another noticeable difference, explains Chief Judge Petoskey. “As we plan our new court building, our new courtroom will be completely circular because we have long recognized the power of the circle.”

Even interactions between tribal judges and attorneys occur within a circle. (It is worth noting that retired Justice Cavanagh had a great deal of input when the Michigan Hall of Justice was being constructed, and influenced the circular shape of the Supreme Court’s courtroom to incorporate themes from tribal courts into the building.)

Before conducting hearings, Chief Judge Petoskey meets with attorneys around a circular table in the judge’s chambers. For family law matters, they engage in problem-solving by discussing what has been going on in the case, focusing on the individual situation and needs of each parent and of the children, and attempt to reach a solution.

“This problem-solving meeting is a much different practice for most attorneys,” said Chief Judge Petoskey, “and it is vital to the strength of tribal communities.”

He elaborated, “Our communities are small, and the adversarial process – where people are testifying against each other in an attempt to win their case – is very destructive to relationships that do not disappear when people leave the court. We may work in the next building or live just down the

block, or our parents might have been friends, or our grandparents.” When one tribal relationship is destroyed, it can impact the tribal community for generations.

Chief Judge Petoskey is proud of his court’s “commitment to community” and method of coming together to focus on identifying issues, developing a plan for making change, and solving problems in a cooperative fashion.

This process, along with the design, décor, and participatory cultural practices, welcomes litigants and provides transparency about the court’s values. The Pokagon Band has hosted Michigan Supreme Court justices and state court judges to share this approach to achieving justice. Chief Judge Petoskey invites any court interested in visiting or learning more to contact the Pokagon Band Court Administrator Stephen Rambeaux (Stephen.Rambeaux@pokagonband-nsn.gov).

Tribal State Court Partnership

Chief Judge Petoskey and his court administrator, Stephen Rambeaux, recognize that state courts may have better tools at their disposal to effectively handle certain matters. Many tribal court systems are still in their formative years.

Rambeaux relayed that when the Pokagon Band was developing its divorce code a few years ago and discussing how to address child support matters, the tribe did not have all of the answers. He remembers important lingering questions, such as, “How do we impute income to someone when we do not know their earning history?” and “How do we enforce child support payment on someone if they are not within the territorial range of the Band?”

“We simply went to Cass County’s Chief Judge Susan Dobrich and Carol Bealor [Circuit Court Administrator and Friend of the Court Director] and wanted to learn from them,” says Chief Judge Petoskey.

The two judges were first acquainted at a new judge training years earlier, and they continue working together on the Michigan Tribal State Federal Judicial Forum.⁵

At the initial meeting, both courts shared information about their past domestic relations work. Cass County’s 43rd Circuit Court discussed topics ranging from making child support

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⁵ [Michigan Supreme Court, supra at 5.](#)

Cross-Court Obligation to Ensure Justice for Families

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recommendations to enforcing payment of child support. The Pokagon Band Tribal Court provided figures and graphs illustrating the quantity and value of child support withholdings from tribal members and employees of tribal enterprises.



(Left to right) Pokagon Band Court Administrator Stephen Rambeaux, Pokagon Band Chief Judge Michael Petoskey, 43rd Circuit Court Chief Judge Susan Dobrich, and 43rd Circuit Court Administrator and Friend of the Court Director Carol Bealor.

Chief Judge Dobrich recognized the value of the tribe enforcing so many of her court’s child support orders and was happy to return the favor. “They have the legal authority to do divorces, but they don’t have the legal mechanism to handle the child support like we do, because we receive federal

dollars under Title IV-D of the Social Security Act,” explains Chief Judge Dobrich.⁶ “We have worked out an arrangement where the tribe handles the divorce, but we’ll handle the child support enforcement for them because we have the software, computers, and funding under Title IV-D, as we’re part of the state system and can do so.”

Rambeaux explains that the Pokagon Band’s domestic code was written to address the need to calculate child support and to allow, but not require, the court to follow the Michigan Child Support Formula.

Today, the two courts work together consistently to achieve the best child support outcomes. The Pokagon Band Tribal Court makes referrals to the 43rd Circuit’s FOC for recommendations regarding child support obligations, for enforcement of support orders beyond the Band’s capabilities, and for mediation services. Those recommendations are then considered for entry by the Pokagon Band Tribal Court.

Working Together on Shared Goals

According to Chief Judge Petoskey, “Tribes feel very strongly about parents supporting children, and the obligation to support children. We want child support *paid*.”

By working together, Chief Judge Petoskey and Chief Judge Dobrich are able to better accomplish this goal for their respective constituencies. Chief Judge Petoskey encourages state courts and other tribes to reach out to one another and develop similar partnerships.

The last article in this series will focus on specific areas for improvement in cooperation between state child support agencies and tribal courts.

⁶ *Id.* at 6.

The Pundit provides information on current issues to Michigan child support staff. The Pundit is not intended to provide legal advice and does not represent the opinions of the Michigan Supreme Court or the State Court Administrative Office.



Students Bring a Fresh Perspective to FOC Basics

By: Julie Vredevelde, Operations Unit Manager, Kent County Friend of the Court

Like many offices, we have struggled to find ways to provide parents with information about often complicated friend of the court (FOC) processes early in their case. We think we have found the answer by partnering with Grand Valley State University (GVSU) and Grand Rapids Public Schools (GRPS) to create a series of short animations that explain complicated FOC processes in a fun and easy-to-understand way. The animated videos are accessible from our [Kent County FOC YouTube channel](https://www.youtube.com/channel/UC...) and posted on our website homepage, www.accesskent.com/foc.

Here's the story of how and why we developed this project. In the past, we required that parties to a new case attend orientation in our office. Many parents struggled to find time during our business hours to attend in person, and downtown Grand Rapids parking was an added expense during already difficult financial times. In response, we recorded staff explaining FOC processes in a set of 5-10 minute videos, which parents could either watch online or view at our office. Despite these attempts to make it easier to attend, participation continued to decrease. Continual follow-up work enforcing participation in the program was time-consuming and contradictory to our goal of working more positively with parents. We also wondered how much parents were taking away from the materials provided.

With this in mind, we reached out to Suzanne Zack, Affiliate Professor of Film and Video Production at GVSU. We learned that adult learners will retain only about 5 percent of information presented in a lecture and about 20 percent of information presented via audio visual methods. We also learned that videos best provide only one piece of information. So we worked with students from one of her classes to develop two short videos outlining the importance of keeping address information up to date and avoiding the snowball effect that occurs when people try to avoid court problems. The results were great, but seemed like only the start of a larger project.

Ms. Zack volunteers her time with middle school students, teaching them animation and film making. She suggested we bring GRPS, GVSU, and the Kent County Friend of the Court office together to create a series of animations which take important FOC information and make it easily digestible and even entertaining. GVSU Writing Department students helped us develop scripts that took complicated FOC processes and made them easy to understand. GRPS middle school students then took these scripts, developed creative ways to share the information, and then worked with the GVSU Film and Video Production students to create animations.

The Grand Rapids Community Media Center provided the work space and equipment needed for the technical

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GRPS middle school students share their final work product with their classmates.

Also pictured: Kent County FOC Director Daniel Fojtik and Operations Unit Manager Julie Vredevelde (back row, center), GVSU Film & Video Production professor Suzanne Zack (front row, second from right), and GRPS teacher Jen Hall (front right).

Students Bring a Fresh Perspective to FOC Basics

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development of the work product. Our FOC office staff was involved throughout the process to make sure the animations reflected our actual processes and conveyed the appropriate message.

The making of these animations was a great success. Our office staff has been amazed at the creativity shown by the middle school students. Who knew “[Ways to Make Child Support Payments](#)” could be funny? The students really enjoyed having the opportunity to create animations from start to finish and took pride in the finished product. As I watched the GRPS students share the videos with their peers, I was struck by the fact that these students now probably know more about how the FOC works than many adult parents who have been involved with our system for years.

Wondering about cost? The design of the work product came at no cost, thanks to the mutually beneficial relationship with GVSU and GRPS. The schools welcomed the hands-on experiential learning opportunity for their students. Our only expense for the project was about \$300 for membership and usage of the Grand Rapids Community Media Center’s facilities and equipment.

Most importantly, the videos on our website have been viewed far more than even our best years of orientation, with some



The short informational videos, such as “Ways to Make Child Support Payments,” play for those waiting in the Kent FOC lobby.

videos being viewed over 600 times in the past four months. Because of the high viewership, we recently started looping the videos on a screen in our lobby with more detailed information onscreen between videos.

If you have questions about this project, feel free to contact me at Julie.Vredeveld@kentcountymi.gov.



Modernization Upgrade to Intergovernmental Child Support Forms

By: Andrew Moore, Intergovernmental Policy Analyst, Michigan Office of Child Support

Prior to this year, intergovernmental child support forms had not been revised substantially since 2000. In September 2014, Public Law (P.L.) 113-183, the “Preventing Sex Trafficking and Strengthening Families Act,” passed, requiring states to enact any amendments to the Uniform Interstate Family Support Act “officially adopted as of September 30, 2008 by the National Conference of Commissioners on Uniform State Laws,” (UIFSA 2008).¹

The federal Office of Child Support Enforcement (OCSE) accepted public comments regarding possible forms revisions and subsequently convened a federal-state work group in 2014

to analyze options for revising the forms. The work group primarily sought to ensure that revisions to the intergovernmental forms comport with UIFSA 2008 as required by P.L. 113-183. The work group also identified several important opportunities for improvement – gleaned from public comments. These improvements included: protecting personally identifiable information; addressing modern family structures, such as a couple in a same-sex marriage, by changing terminology where practical (e.g., establishing parentage instead of paternity); and reflecting advancements in communication methods and technology.

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¹ OCSE Dear Colleague Letter (DCL-15-12), August 4, 2015, Notice of Open Comment Period – Standard Intergovernmental Forms (<https://www.acf.hhs.gov/css/resource/notice-of-open-comment-period-standard-intergovernmental-forms-2015>).

Modernization Upgrade to Intergovernmental Child Support Forms

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On January 12, 2017, OCSE announced the updates to the intergovernmental forms.² OCSE updated the existing forms and created four new forms to reflect the changes, giving states a year to implement the new forms.

There are some overall differences that caseworkers should take note of, but workflow should not be substantially impacted.

New Forms

Two of the four new forms are the new coversheets that now house all the personal information that used to be on the forms themselves (discussed below). The new forms are:

- Child Support Enforcement Transmittal #1 – Initial Request Acknowledgment;³
- Child Support Agency Confidential Information Form;
- Personal Information Form for UIFSA § 311;
- Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA § 319.⁴

Filing Restrictions

It is important to note that some of the new intergovernmental forms have restrictions on how they can be used by the IV-D agency and the court.

The “Child Support Agency Confidential Information Form” has the disclaimer: “FOR IV-D AGENCY USE ONLY – DO NOT FILE WITH A TRIBUNAL OR PROVIDE TO THE OTHER PARTY.”

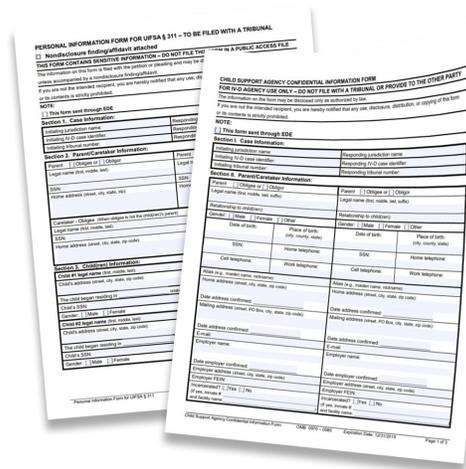
The following forms have the disclaimer: “THIS FORM CONTAINS SENSITIVE INFORMATION – DO NOT FILE THIS FORM IN A PUBLIC ACCESS FILE”:

- Child Support Locate Request;
- Declaration in Support of Establishing Parentage;
- General Testimony;
- Letter of Transmittal Requesting Registration;
- Personal Information Form for UIFSA § 311.

The Michigan Trial Court Case File Management Standards, maintained by the State Court Administrative Office (SCAO), directs that all intergovernmental forms besides court orders are to be placed in the FOC file.⁵ The FOC file is a nonpublic file that is only viewable by FOC staff and, in the case of certain documents, parties to a case. Confidential documents that are not sharable with the parties are placed in a “confidential” portion of the FOC file that should be removed when a request to view the file is made by a party. Placing the documents in the FOC file and directing certain forms into the confidential portion of the file meets the federal directives indicated on the forms.

Personal Information Coversheets

The creation of the two personal information coversheets is the biggest change. Almost all personal identifying information (PII) such as names, residential addresses, and Social Security numbers have been removed from the existing forms and will now be housed on the coversheets. While nearly identical, each coversheet serves a distinct function.



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² OCSE Action Transmittal (AT-17-01), January 12, 2017, OMB-approved Standard Intergovernmental CSE Forms – December 2016 (<https://www.acf.hhs.gov/css/resource/omb-approved-standard-intergovernmental-cse-forms-december-2016>).

³ Technically this is a new form because this information was previously included on the Transmittal #1 – Initial Request. However, most states, including Michigan, had separated this portion of the form to act as its own form.

⁴ The Michigan IV-D program has decided not to implement the payment redirection processes outlined in UIFSA §319(b), so this form is not available to Michigan IV-D workers. If a worker receives this form from another state, the worker must consult Section 7.10 “Responding States,” of the Michigan IV-D Child Support Manual for Instructions how to proceed.

⁵ “Documents, other than orders, that are received under the Uniform Interstate Family Support Act shall not be placed in the court file but shall be forwarded to the friend of the court office.” Michigan Trial Court Case File Management Standards, 1.1.1 Component 9 (pg. 13). (http://courts.mi.gov/administration/scao/resources/documents/standards/cf_stds.pdf).

Modernization Upgrade to Intergovernmental Child Support Forms

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The “Child Support Agency Confidential Information Form” contains fields for all of the PII that may be required to open and take action on a case. Caseworkers will use this form exclusively in IV-D cases, and must keep this form in the “confidential” portion of the FOC file. Caseworkers should note that because this form is intended for internal IV-D agency use only, PII on this form is not automatically suppressed by the MiCSES case management system when a case is flagged with family violence.

IV-D workers are required to send the “Child Support Agency Confidential Information Form” with the:

- Transmittal #1 – Initial Request;
- Transmittal #2 – Subsequent Actions when it includes PII;
- Transmittal #3 – Request for Assistance/Discovery when it includes PII;
- Letter of Transmittal Requesting Registration.

In contrast, the “Personal Information Form for UIFSA § 311” contains the specific PII that UIFSA § 311 requires to be filed with pleadings and can be provided to the parties on the case. This form must be attached when filing the:

- General Testimony;
- Declaration in Support of Establishing Parentage;
- Uniform Support Petition.

The form can remain attached to the pleadings upon filing with the court, and the information can be shared with parties to the case and filed in the FOC file, but should not be made publically available in the court file. MiCSES will suppress this information if the case is flagged for family violence.

Parentage and Gender

OCSE designed the new and revised intergovernmental forms to be more gender-neutral and to reflect changes related to UIFSA 2008. Gender-neutral language on the intergovernmental forms makes case processing more straightforward for cases involving same-sex couples and families using assisted reproductive technology. For example, OCSE has replaced the term “paternity” with “parentage” throughout the forms. The forms also reflect a person’s role in the case rather than using terms such as “mother” or “father.”

Additionally, where the forms ask for the gender of a party, OCSE has changed the form to have an “other” checkbox for

individuals who do not identify as male or female. The available gender selections for children remain “male” or “female.”

Encryption Requirements

Every form includes encryption requirements. This provides notice that anyone who transmits a form electronically must use encryption methods that meet federal standards. IV-D workers can send a document directly to a caseworker via e-mail or other electronic means only if it is in compliance with the [encryption requirements](#) stated in the Michigan IV-D Child Support Manual.

Transition to the New Forms

OCSE required states to start using the new forms by January 15, 2018. Michigan updated the forms and made them available in the Michigan Child Support Enforcement System (MiCSES) on December 8, 2017.

Many states were not able to meet the OCSE deadline and are still sending intergovernmental referrals on the expired forms. OCSE has indicated that states should continue to accept the old forms to allow states the time to implement the new forms. Because of this, there will be a period where caseworkers get intergovernmental cases on both the old and new forms.

Impact

The biggest impact these new forms will have is to better protect the PII of families while providing courts the necessary information to process intergovernmental cases.

For more detail, Michigan caseworkers can review [IV-D Memorandum 2017-026, “New Intergovernmental Policy Sections and Revisions to Intergovernmental Forms.”](#) Caseworkers can also review the [OCSE intergovernmental forms training series](#) and the [OCSE intergovernmental forms matrix](#).

To troubleshoot UIFSA 2008 forms questions, Michigan intergovernmental caseworkers may e-mail Andrew Moore, OCS Policy Analyst, at MooreA24@michigan.gov, Elizabeth Stomski, SCAO Management Analyst, at StomskiE@courts.mi.gov, or post the question on the intergovernmental Google Group. Caseworkers who are not already a member and would like access should e-mail either of the group’s administrators, Elizabeth Stomski or Wendy Amell from the Livingston County FOC (WAmell@livgov.com), for an invitation to join.

**MICHIGAN COURT OF APPEALS DECISIONS****PUBLISHED AND UNPUBLISHED SEE: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>****PUBLISHED OPINIONS**

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Kalin v Fleming, published opinion of the Court of Appeals, released November 21, 2017. (Docket No. 336724).**REVOCAION OF PATERNITY ACT (RPA) – THREE-YEAR DEADLINE FOR REVOCAION OF ACKNOWLEDGMENT OF PARENTAGE (AOP) AND EXTENSION**

Where the parties signed an AOP and the defendant-mother “intentionally did not tell [the plaintiff-acknowledged father] that there was a possibility that he was not the child’s father[,]” the trial court erred in granting the defendant’s motion for an extension of time to set aside the plaintiff’s AOP on the basis of the defendant’s own misrepresentation and misconduct; “the trial court erred by determining that MCL 722.1443(12) allowed an extension[,]” because “MCL 722.1443(12) requires that the person requesting the extension show that [he or] she did not timely file the action because of one of the five listed exceptions[.]” to the general rule of MCL 722.1437(1) that an action to revoke parentage must be filed within three years of the child’s birth or one year of the date that the AOP was signed. *Kalin v Fleming*, ___ Mich App ___, ___ (2017). “While [the plaintiff’s] mistaken belief that he was the child’s father may constitute a mistake of fact,” the defendant “did not allege that she was previously unaware of the child’s paternity, nor did she allege that a mistaken belief contributed to her delay; t]hus, [her] affidavit did not describe a mistake of fact that prevented her from seeking revocation of the acknowledgment of parentage within the three-year deadline.” *Id.* at ___.

McRoberts v Ferguson, published opinion of the Court of Appeals, released November 28, 2017. (Docket No. 337665).**CHILD CUSTODY – PROPER CAUSE OR CHANGE OF CIRCUMSTANCES AND CHANGE OF CUSTODY**

Where the plaintiff-mother “was found in contempt of court [for violations of visitation orders] on three separate occasions, the last of which resulted in a 30-day jail sentence[,] . . . [and] there were ongoing ‘visitation complaints’ . . . including that [the] plaintiff failed to produce the child at the airport for a prearranged pick-up, causing [the defendant-father’s] wife to needlessly fly from California to Detroit[,]” sufficient allegations of contempt or visitation complaints existed to constitute proper cause to modify the existing child custody order. *McRoberts v Ferguson*, ___ Mich App ___, ___ (2017). Further, the “plaintiff’s interference with the child and [the] defendant’s relationship” constituted “an event that ‘could have a significant effect on the child’s life to the extent that a reevaluation of the child’s custodial situation should be undertaken[;]’” specifically, “[i]n addition to the parenting-time violations, [the] plaintiff repeatedly facilitated the child calling her now ex-boyfriend ‘dad’ and calling [the] defendant by his first name.” *Id.* at ___ (citation omitted). Additionally, considering that the defendant addressed medical issues for the child, such as untreated cavities and immunizations, provided a counselor for the child, and helped to greatly improve her recognition of sight words, in addition to the defendant’s new living situation (land-based military duty, instead of deployment at sea), “it [could not] be said that the evidence clearly preponderated against the trial court’s finding that there was a sufficient change of circumstances, allowing the court to consider a modification of the custody arrangement.” *Id.* at ___. Finally, “the trial court [did not err] by finding that [the] defendant proved by clear and convincing evidence that granting him sole legal and physical custody was in the child’s best interests” where “there were legitimate concerns with [the] plaintiff’s care of the child, including untreated cavities and numerous unexcused absences from school[,] . . . [and where the] plaintiff’s repeated acts of contempt relative to parenting time were troubling and reflected an inability by [the] plaintiff to facilitate and encourage a close and continuing parent-child relationship between [the] defendant and his daughter.” *Id.* at ___ (noting that “[c]onversely, there was no evidence suggesting that [the] defendant had interfered with the relationship between [the] plaintiff and the child[.]”).

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Sims v Verbrugge, published opinion of the Court of Appeals, released December 5, 2017. (Docket No. 337747).

CHILD CUSTODY – AFFIDAVIT OF PARENTAGE (AOP), CHANGE OF CUSTODY, AND BURDEN OF PROOF

“Courts cannot treat the legal custody granted by signing an [AOP] the same as a judicial determination because[] . . . MCL 722.1006 provides that the grant of initial custody through the execution of an AOP ‘shall not, by itself, affect the rights of either parent in a proceeding to seek a court order for custody or parenting time[;]’” therefore, because the parties’ AOP was not a judicial determination, no existing judgment or order regarding legal custody existed, and the trial court erred by requiring the defendant-father to demonstrate by a preponderance of the evidence proper cause or a change in circumstances, the standard required to modify or amend an existing judgment or order under MCL 722.27(1)(c). *Sims v Verbrugge*, ___ Mich App ___, ___ (2017). Further, “[t]o the extent that the trial court reasoned that MCL 722.1 and MCL 722.2 provided that [the plaintiff-mother] received sole legal custody of [the child] as a result of [the child] being an illegitimate child, . . . this interpretation [wa]s at odds with MCL 722.1004’s mandate that a child that is the subject of an AOP is treated as a child born in wedlock and not as illegitimate.” *Sims*, ___ Mich App at ___ (remanding for reconsideration of whether the defendant was entitled to legal custody, to be treated as an initial custody evaluation without a prior existing order). However, “[r]egarding [the child’s] physical custody, . . . a previous order existed, and the trial court did not err by requiring [the] defendant to demonstrate proper cause or a change in circumstances to justify reconsideration of the order.” *Id.* at ___ (additionally holding that the trial court did not err in declining to hear the defendant’s argument as to a change in physical custody because his argument at the time rested on contingent future events, not a change in circumstances that already occurred).

Ludwig v Ludwig, published opinion of the Court of Appeals, released December 12, 2017. (Docket No. 336938; 336978).

CHILD CUSTODY – ORDER FOR FAMILY THERAPY NOT MODIFICATION OF PARENTING TIME

The trial court’s order directing “the minor children and [the defendant-father] to engage in family therapy with therapists, all by way of video conference, as part of the reunification process without first holding an evidentiary hearing[] . . . did not modify parenting time[;]” accordingly, “the trial court’s decision did not amount to clear legal error because the order d[id] not affect parenting time and was a proper exercise of the trial court’s broad power over the parenting dispute” under MCL 722.27(1)(e). *Ludwig v Ludwig*, ___ Mich App ___, ___ (2017) (holding that “because the order appealed was not an order modifying parenting time the strict procedural requirements of MCL 722.27(1)(c) were not required,” but noting that if the trial court subsequently considered a change to parenting time, it would “be required to hold an evidentiary hearing to address [the plaintiff-mother’s] concerns and accept additional evidence regarding the best interests of the children[.]”).

Rettig v Rettig, published opinion of the Court of Appeals, released January 23, 2018. (Docket No. 338614).

CHILD CUSTODY – AGREEMENT FOLLOWING MEDIATION, BEST-INTEREST FACTORS, AND ESTABLISHED CUSTODIAL ENVIRONMENT

If the parties present the court with an agreement regarding child custody and visitation, the court is “empowered to accept it” and “‘need not expressly articulate each of the best interest factors[listed under MCL 722.23; i]mplicit in the court’s acceptance of the parties’ agreement is its determination that the arrangement is in the child’s best interest.’” *Rettig v Rettig*, ___ Mich App ___, ___ (2018) (citation omitted). “[T]he court remains obligated to come to an independent conclusion that the parties’ agreement is in the child’s best interests, but . . . the court is absolutely permitted to accept that agreement where the dispute was resolved by the parents[.]” *Id.* at ___ (noting that “[a]lthough the trial court is not necessarily constrained to accept the parties’ stipulations or agreements verbatim, the trial court is entirely permitted to accept them and presume at face value that the parties actually meant what they signed,” and concluding that “[t]here [was] no coherent reason presented why the trial court could not” accept the parties’ mediated agreement, including provisions concerning child custody and visitation). Additionally, in light of the parties’ agreement, “the trial court was [not] required to make a finding regarding the minors’ established custodial environment[;]” “[t]he requirement of making an express determination of whether there is an established custodial environment is as inapposite to effectuating an agreement reached by the parties as is the requirement of conducting intensive fact finding.” *Id.* at ___.

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Griffin v Griffin, published opinion of the Court of Appeals, released January 30, 2018. (Docket No. 338810).

CHILD CUSTODY – CHANGE OF ESTABLISHED CUSTODIAL ENVIRONMENT AND BURDEN OF PROOF WHEN BOTH PARTIES SEEK CUSTODY CHANGE

“[T]he trial court erred by applying the preponderance-of-the-evidence standard instead of the statutorily mandated clear-and-convincing-evidence standard to the best-interests determination under MCL 722.23” when “the court was faced with a somewhat unique problem: everyone agreed that maintaining the current custodial arrangement was not in the child’s best interests” and “[b]oth parties moved for a change in custody, advancing their own arguments in favor of receiving primary custody of their son during the school year.” *Griffin v Griffin*, ___ Mich App ___, ___ (2018). “The court should have . . . applied the clear-and-convincing evidence standard when determining whether to maintain the status quo or enter an order changing the child’s established custodial environment” because “the trial court is not tasked with comparing the parties’ suggested changes to each other and determining which is better,” but “[r]ather, in order to make a change to the established custodial environment, the trial court must find that the change is in the child’s best interests when compared to the status quo.” *Id.* at ___.

CHILD CUSTODY – CHANGE OF ESTABLISHED CUSTODIAL ENVIRONMENT AND CONSIDERATION OF CURRENT AND FUTURE ABSENCE DUE TO ACTIVE DUTY STATUS

Under MCL 722.27(1)(c), “a trial court is only prohibited from considering a parent’s current, not future[,] absences from the child due to his or her active duty status[;]” accordingly, “a trial court [is not precluded] from considering a parent’s anticipated future relocation due to his or her active duty status when making a determination of a child’s best interest[.]” *Griffin v Griffin*, ___ Mich App ___, ___ (2018) (holding that “because [MCL 722.27(1)(c)] only prohibits the court from considering current absences due to active duty status, . . . the trial court erred by interpreting and applying MCL 722.27(1)(c) so as to wholly preclude consideration of [the defendant’s] anticipated future relocation due to her military service”).

UNPUBLISHED OPINIONS

Ferrante v Polovina, unpublished opinion of the Court of Appeals, released October 19, 2017. (Docket No. 333457). The trial court did not err in granting defendant’s motion to compel plaintiff to pay defendant for extra-curricular activities for the parties’ minor children because the Judgment of Divorce (JOD) provided that such payment would be equally shared by the parties, and plaintiff was aware of the activities when the JOD was entered and did not object.

Williams v Cannon, unpublished opinion of the Court of Appeals, released October 24, 2017. (Docket No. 335922). The trial court did not err in its consideration of the friend of the court’s written report and recommendation regarding custody and parenting time because the court also, through an evidentiary hearing, conducted its own best-interest analysis and made its own independent findings of fact and conclusions of law.

Hazen v Phillis, unpublished opinion of the Court of Appeals, released November 2, 2017. (Docket No. 337106). The trial court erred in modifying the existing custody order without first establishing proper cause or a change of circumstances to warrant modification.

Nordhielm v Dapena-Baron, unpublished opinion of the Court of Appeals, released November 14, 2017. (Docket No. 335877). The trial court did not err in its finding that sharing joint legal and physical custody would not be in the child’s best interests due to the ongoing conflict between the parties.

(cont'd on page 15)



Joslyn v Scott, unpublished opinion of the Court of Appeals, released November 21, 2017. (Docket No. 337809). Although the trial court erred in failing to determine whether an established custodial environment (ECE) existed before making a custody determination, the record supports the trial court's belated assertion that an ECE existed with both parties, and therefore the trial court needed only to find by a preponderance of the evidence that remaining in the current shared custodial environment was in the child's best interests.

Adkins v Piechan, unpublished opinion of the Court of Appeals, released November 21, 2017. (Docket No. 337745). The trial court erred in determining that evidence of defendant's relationships with numerous high-school-aged children could have a significant effect on the children's well-being did not meet the burden of proof for proper cause or change in circumstances warranting a change in custody and parenting time.

Burnett v Ahola and Ahola, unpublished opinion of the Court of Appeals, released December 7, 2017. (Docket No. 338618). Defendants' consent to a custody order and parenting time order effectively waived their right to argue plaintiff's fraud in a motion for reconsideration of an earlier ROPA judgment because the consent order showed that defendants were preparing to work toward a co-parenting relationship with plaintiff rather than revoke his parental rights entirely.

Robinson v Robinson, unpublished opinion of the Court of Appeals, released January 2, 2018. (Docket No. 335043). The trial court could adopt a friend of the court child support recommendation which calculated plaintiff's variable annual income according to 2013 MCSF 2.01(A),(B) as an average of three prior years' self-employment income excluding the most recent year because defendant failed to provide all necessary documentation for the most recent tax year to the friend of the court.

Russian v. Porter, unpublished opinion of the Court of Appeals, released January 18, 2018. (Docket No. 339288). The trial court did not err in granting joint custody and equal parenting time of the parties' 8-month-old child when evidence presented affirmed that the child was thriving on a diet of both breast milk and formula, and that the child was well cared for and in a stable environment with both parties.

Harner v Harner, unpublished opinion of the Court of Appeals, released January 23, 2018. (Docket No. 338746). The trial court's decision to order payment for reunification therapy in lieu of child support constitutes a deviation from the MCSF, which was improper without first establishing that application of the formula would be unjust or inappropriate and then setting forth the requirements stated under MCL 552.605(2).

Dubin v Fincher, unpublished opinion of the Court of Appeals, released January 30, 2018. (Docket No. 339175). The trial court's denial of defendant's motion for expanded parenting time and a reunification plan does not "affect custody" for purposes of MCR 7.202(6)(a)(iii), and, therefore, defendant does not have an appeal of right over which the Court of Appeals could exercise jurisdiction pursuant to MCR 7.203(A)(1).

Friend of the Court Bureau Administrative Memorandum

2018-01 (March 8, 2018) Adjusting Current Support Due to Incapacitation

This memorandum recommends actions that courts and FOC staff should take regarding child support orders when parents may be incapacitated and unable to satisfy their child support obligations due to disability, mental incompetency, serious injury, debilitating illness, or incarceration.

Michigan IV-D Memorandums (Office of Child Support)

2018-003 (February 16, 2018) OCS Customer Complaint Process

Note: This Memorandum replaces Memorandum 2006-046 OCS Customer Complaint Process.

This IV-D Memorandum announces changes to the OCS customer complaint process including forms required, method of submitting complaints, and the OCS process for investigating and responding to complaints.

(cont'd on page 16)

**2018-002 (January 17, 2018) Contract Performance Standards (CPS) Evaluation Process**

This IV-D Memorandum introduces Section 1.25, "Contracts," in the Michigan IV-D Child Support Manual. Section 1.25 discusses the CPS evaluation process. This is new information; OCS encourages PA and FOC staff to read this memorandum and Section 1.25. In FY 2020, OCS plans to start the evaluation process for FY 2019.

2018-001 (January 2, 2018) Overpaid Support Obligations Resulting from the Michigan Child Support Enforcement System (MiCSES)-Bridges SyncAssist Process

This IV-D Memorandum explains instances where non-custodial parents (NCPs) unintentionally overpaid their medical support obligations as a result of the synchronization of assistance records between MiCSES and Bridges in the MiCSES 9.5 Release (June 15, 2017). This memorandum provides guidance for FOC staff who have not yet resolved NCP overpayments created as a result of the synchronization in the 9.5 release. It also provides recommended actions IV-D staff may take to identify and resolve IV-D cases with an NCP overpayment or a potential NCP overpayment of medical support.

2017-028 (December 4, 2017) Implementation of the IV-D Learning Management System

This IV-D Memorandum announces the implementation by OCS of a Learning Management System (LMS) to track IV-D child support program training participation.

2017-027 (December 4, 2017) Federal Regulation Changes to Case Closure and Other Minor Case Closure Updates

On December 20, 2016, the federal Office of Child Support Enforcement (OCSE) published the final rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (final rule). The final rule requires state IV-D programs to implement the changes addressed in this IV-D Memorandum by December 20, 2017. The Michigan Child Support Enforcement System (MiCSES) 9.7 Release on December 8, 2017 implemented these changes, including: IV-D agencies must close IV-D cases if the referral was from Medicaid for only medical care services and the child is eligible for Indian Health Services; and the IV-D program must make a good-faith effort to contact non-assistance IV-D applicants by two different methods prior to closing the IV-D case if the IV-D worker needs more information to proceed with the case. OCS has also updated the following sections of the Michigan IV-D Child Support Manual to reflect the mandatory changes in the final rule: Section 2.05, "Referrals and Applications"; and Section 3.50, "Case Closure." In addition to changes related to the new final rule, OCS has updated policy to remove intergovernmental cases, both initiating and responding, from automatic case closure for failure to locate the non-custodial parent.

2017-026 (December 4, 2017) New Intergovernmental Policy Sections and Revisions to Intergovernmental Forms

Note: This Memorandum replaces Memorandum 2016-001, 2014-018, 2008-028, 2005-005 New Intergovernmental Policy Sections and Revisions to Intergovernmental Forms.

This IV-D Memorandum announces updates to Section 7.15, "International," and the introduction of the following new sections of the Michigan IV-D Child Support Manual: Section 7.01, "Intergovernmental Overview"; Section 7.05, "Initiating Cases"; and Section 7.10, "Responding Cases." This memorandum also introduces revisions to the federally approved standard intergovernmental forms, including updates to existing forms and the introduction of new forms. The new and revised forms were available with the Michigan Child Support Enforcement System (MiCSES) 9.7 Release on December 8, 2017.

2017-025 (December 4, 2017) Excluding Supplemental Security Income (SSI) from Financial Institution Data Match (FIDM) Liens

This IV-D Memorandum announces policy and system updates required to comply with a revised federal requirement for IV-D programs. IV-D programs must automatically prevent SSI and concurrent SSI and Social Security Disability Insurance (SSDI) benefits from being garnished in the FIDM process. In the MiCSES 9.7 Release (December 8, 2017), OCS added functionality to identify NCPs in the FIDM process who are receiving or potentially receiving SSI payments, affecting information loaded on the Financial Assets (ASFN) screen, as well as Administrative Levy (ADLV) activity chains opened after December 8, 2017. In addition, this memorandum announces updates to Section 6.27, "Liens – FIDM/MSFIDM," of the Michigan IV-D Child Support Manual to ensure OCS's compliance with the federal requirement. Finally, this memorandum announces revisions to two FIDM forms: The Request for Administrative Review of Lien (FEN325); and The Results of Administrative Review (FEN326).