



STATE OF MICHIGAN  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
LANSING

GRETCHEN WHITMER  
GOVERNOR

ROBERT GORDON  
DIRECTOR

March 29, 2019

Larry Royster  
Clerk, Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

Re: ADM File No. 2017-28

Dear Mr. Royster:

The Michigan Office of Child Support (OCS) has reviewed the proposed amendments and supports MCR 1.109 because it closely aligns with *Michigan IV-D Child Support Manual* policy on security and safeguarding. OCS respectfully submits these comments to highlight the amendments' potential impacts on child support services.

**Office of Child Support Act 174 of 1971 (Michigan Compiled Laws 400.234)**

MCR 1.109 proposes redacting protected personal identifying information before its inclusion in a public document filed with the court. OCS supports the redaction of protected personal identifying information from public documents. Consequently, OCS is in support of the stipulations of MCR 1.109(D)(9)(b). It allows no access to court records with protected personal identifying information except as pursuant to law.

However, this sealed information is critical for the IV-D child support program to accomplish its job. OCS interprets MCL 400.234 (Office of Child Support Act 174 of 1971) as granting OCS and other state IV-D child support entities the authority to access complete protected personal identifying information since MCL 400.234 indicates public or private entities "shall provide any information or record that assists in implementing this act." Additionally, OCS interprets the phrase "public or private entity" as including the court system. Consequently, OCS believes it and its program partners will have access to redacted personal identifying information contained in court records. If there is an opposing interpretation, please add an exception within the rule for OCS, its program partners and other states' agencies for Title IV-D child support purposes.

**Impacts to the Michigan Child Support Enforcement System (MiCSES)**

OCS notes that MCR 1.109 (D)(9)(c) dictates the format that protected personal identifying information is to be provided on public documents with the court. It would require Friend of the Court (FOC) and Prosecuting Attorney staff to file documents using specific formats. Currently, the format of forms within MiCSES, Michigan's federally required statewide child support enforcement system used by FOCs and Prosecuting Attorneys, is different than the

format MCR 1.109 (D)(9)(c) proposes. OCS would need significant time and resources to update MiCSES document templates to meet the requirements of MCR (D)(9)(c). Our system development cycle is long, with many competing priorities. Therefore, we ask for an ample amount of lead time to make the necessary system updates to accommodate these formatting changes.

### **Case Inventory Addendum (Family Division)**

The Case Inventory Addendum issued in August 2018, that is served on the other party requires parties to list any known pending or resolved family division cases involving the person(s) named in the complaint or petition, or family members of the person(s) named in the complaint or petition. This is concerning for OCS because disclosing this information can incite friction and possible danger in cases of domestic violence between the party being served and the party serving. Pursuant to MCL 400.235, OCS is obligated to protect “an address or other information concerning an adult responsible for a child to another adult responsible for the child if the release is prohibited by a court order or if the office has reason to believe that release of information may result in physical or emotional harm to that adult or to the child.”

OCS proposes MCR 1.109 discuss/address the Case Inventory Addendum and whether the information it provides could be limited. For domestic violence cases, OCS recommends the list of a victim’s other family division cases be considered protected personal identifying information.

Thank you for the opportunity to comment.

/s/

Michael C. Adrian, Program Development Division Director  
Michigan Office of Child Support

MCA/TAM

c: Erin P. Frisch, Director of the Michigan Office of Child Support