

QUESTIONS AND ANSWERS REGARDING SUPPORT

1. How do I get an order for support?

A complaint or motion requesting the court to grant an order for support must be filed with the court.

2. Do I need to have an attorney to get an order for support?

It is not required that you have an attorney to file a motion for support in a divorce action. However, an attorney may be helpful when filing papers and following specific rules. For paternity and family support actions, the Prosecuting Attorney can assist you with the filing of a petition for support.

3. Does the Friend of the Court and the Judge have to use the Child Support Formula or the Friend of the Court recommendations when setting support orders?

The Child Support Formula and the **Friend of the Court** recommendation are used to assist the judge in making a decision concerning support amounts. The **Friend of the Court**, your attorneys, and the judge must use the formula unless they establish a clear reason why the child support formula is unjust or inappropriate, and that a “deviation” therefore best meets the needs of the child.

4. If I have been paying my child support and the custodial parent is not allowing parenting time, do I have to keep paying support?

Yes, parenting time and support are separate orders of the court, with separate enforcement procedures (see parenting time enforcement section.)

5. The non-custodial parent is not paying support. What can I do?

Contact the Friend of the Court, preferably in writing, and request enforcement if the back support equals payments of four weeks or more. You may also contact an attorney to file an enforcement action.

6. The payer of support is self-employed and not making his or her support payments. What can the Friend of the Court do?

Income withholding orders are not usually effective when a payer is self-employed. In these cases, the **Friend of the Court** may seek enforcement using one or more of the following options.

- (1) Petitioning the court for a show cause hearing.
- (2) Submitting the payer's name for tax intercept.
- (3) Placing a lien on the payer's property.

Contact your **Friend of the Court** office for further information concerning these options.

7. My court order states that I am to pay support through the MiSDU. Can I pay the support to the custodial parent directly?

NO! Support is paid through MiSDU in order for an official record of payments to be

maintained. It is done for the protection of both parties and the children. Credit will not be given for child support paid directly, except for the period before the support order is signed by the Judge.

8. *If child support has been ordered by the court and either parent has a major increase or decrease in income, what can be done?*

The Michigan Child Support Guidelines require the **Friend of the Court** to consider both parent's income when making child support recommendations.

If either party has had a large increase or decrease in income, they may wish to contact the Friend of the Court to request a review of the support order (see Support Modification Section). Either party may also file a motion with the Court if there has been a significant change in circumstances.

If the payer and payee can mutually agree to a change in support order, the agreement must be placed on a Uniform Support Order and it must be signed by both parties. If money is owed to the State, the Order must provide for payment of the money owed to the State. That agreement will be entered as an order, if approved by the court.

9. *If I am receiving public assistance, do I still get child support?*

Child support that is charged while a family is receiving public assistance will be paid to the Department of Health and Human Services. Medical support that is charged while a family is receiving Medicaid will also be paid to the Department of Health and Human Services.

10. *Is the Friend of the Court responsible for making sure that child support money is being spent on the child?*

The law does not give the **Friend of the Court** the right to question how child support payments are spent. It is presumed that the custodial parent is making reasonable efforts to meet the child's needs.

11. *If my parental rights are terminated, does my child support stop?*

Child support does not stop automatically when parental rights are terminated. There must be an order stopping child support or an Order for Adoption entered to stop child support.