

## CHILD SUPPORT QUESTIONS AND ANSWERS

### **Do I need an attorney to get a support order?**

You are not required to have an attorney. However, you may find that you need an attorney's help to file the correct papers and otherwise follow the court rules. If you have retained an attorney (for any reason), you CANNOT file a motion on your own. You MUST contact your attorney and have him/her do the filing.

### **I have not received a child support check. Do I immediately call the Friend of the Court office to see what the problem is?**

Definitely not. When child support checks are not received, it is because the Michigan State Disbursement Unit (MiSDU) did not receive a child support payment from the payer. Normal reasons for delay are:

1. Temporary layoff of payer
2. Payer has lost his/her job
3. Employer of the payer has experienced a delay in getting out employment checks
4. A holiday, employee illness, or inclement weather has caused a delay to the MiSDU in getting out support checks.

If thirty (30) days or more go by between support checks, a payee should notify the Friend of the Court office in writing and request that a Show Cause Hearing be set before the Circuit Court Referee. A Show Cause Hearing will be set as soon as possible. (Refer to the Show Cause link for further explanations). Normally, over the course of many years, most accounts will show some delinquency. Even though it is frustrating to the payee when child support payments are not regularly received, continual telephone calls to the Friend of the Court are normally counterproductive because when a Friend of the Court employee is answering the telephone, he/she cannot perform other necessary work which could delay the scheduling of your hearing.

### **If I want to have my child support lowered or raised, what do I do?**

In order to have your child support lowered or raised, a Motion to Change Support Order needs to be filed. Forms are available free of charge at the Friend of the Court office or printed off from this website – *“Motion to Change Support Order”* and *“Uniform Child Support Order (FOC 10/52)”*. An attorney is not necessarily needed, however, if you have retained an attorney (for any reason), you CANNOT file this motion on your own. You MUST contact your attorney and have him/her do the filing.

After a Motion to Change Support is filed with the court, and the fees are paid, the matter will be scheduled for a hearing before the Circuit Court Referee. Even if both parties agree to the change, by law, you need to file a *“Stipulated Motion to Change Support Order”* and *“Domestic Relations Judgment Information (FOC 100)”* (both available on

this website) and pay the fees explained. Normally, child support can be reviewed whenever there has been a material change in circumstances concerning the parties. When there has been a period of time in excess of two years that has gone by since the matter of support has been last reviewed, this in fact by itself constitutes a legal material change in circumstances. State guidelines are normally used by the court in establishing child support orders.

**Can my ex-spouse and I make direct payments to each other and not make payments through the MiSDU?**

No. By court order all child support payments must be through the MiSDU office. They maintain accurate records of all payments in order to protect the interests of both parties and otherwise ensure that children are properly supported.

**If I am receiving TANF or Department of Human Services public assistance, may I also receive child support?**

No. In that situation, the MiSDU must send any support payments that it receives from the other parent to the Department of Human Services to offset the public assistance that you received.

**If I have been paying child support as required by the court's order but the custodial parent will not allow me the parenting time required by that order, do I have to keep paying support?**

Yes. An order's parenting time and child support provisions are enforced separately. See Visitation / Parenting Time on this website.

**May I receive child support after my child reaches age 18?**

Child support can continue up to age 19 ½ if the child attends high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate and the child continues to reside on a full-time basis with the person who receives the support payments.