

**FRIEND OF THE COURT
CHILD SUPPORT ENFORCEMENT**



**State Court Administrative Office
Friend of the Court Bureau
Michigan Supreme Court**

Under Title IV-D of the Social Security Act (referred to as “Title Four-D”), the Friend of the Court (FOC) office and the Office of Child Support (OCS) must begin support enforcement action when child support payments greater or equal to one month’s support become past due. Overdue support is called “arrearage.” When a payer is behind on child support, the payer has an “arrearage.” The following sections include the various ways that payment of child support may be enforced.

Modification of Child Support

If you want to change your child support order, you can request that the FOC review the support order or file a motion with the circuit court. Please see the brochure, *Requesting a Child Support Modification*, for more information.

Income Withholding

All child support orders require income withholding unless the parents and the court agree otherwise. The employer takes the support payment from the payer’s paycheck at the same time as taxes, insurance premiums, etc. The employer must send withheld amounts to the Michigan State Disbursement Unit (MiSDU). Income withholding can also affect unemployment benefits, Social Security benefits, independent contracting, and worker’s compensation or insurance claims.

Show Cause Hearings

The FOC or support recipient can ask the court to hold a hearing for the payer to “show cause” why the payer should not be found in contempt for failing to pay support or provide health care coverage. If the payer fails to appear, the court can issue a bench warrant to bring the payer before the court for a hearing. If the court finds the payer is able to pay the order, or that the payer has no good reason for not paying, the court can order the payer to take a particular action that will bring about compliance, such as making payments.

Surcharge on Child Support Arrears

A surcharge will only be added to the payer’s amount if the court finds that the payer willfully failed to pay support as ordered. Beginning in January 2011, each January 1st and July 1st, the FOC will add a surcharge to any overdue support when the court orders the FOC to do so. This surcharge is added to whatever support obligations the court orders, except for court-ordered repayment of birthing expenses and other prejudgment expenses.

Credit Reporting

If the arrearage reaches an amount equal or greater than two or more months of current support, the FOC will notify the payer that he or she will be reported to a consumer-reporting agency. MCL 552.512. The payer has 21 days to either pay the arrearage in full or request a review based on mistake of fact as to the amount of the arrearage or the identity of the payer. If the arrearage is not paid in full within 21 days or a review request has been denied, the OCS will report the arrearage to a credit-reporting agency.

Felony Nonsupport

In Michigan, failure to pay child support can be a felony. MCL 750.165. The payee can contact the local prosecuting attorney’s office to pursue felony charges. The FOCs do not bring formal charges against the payer.

License Suspension

The court can suspend professional, sporting, recreational, and driver’s licenses if the payer has a support arrearage of two or more months. MCL 552.628.

Liens

A lien is the right to place ownership or possession of property belonging to another until a debt owed is discharged. This can result in the eventual sale of the payer's property. Liens for child support can be issued against real or personal property, financial assets, or insurance proceeds.

Passport Denial

A payer's passport may be denied or revoked once the support arrearage reaches \$2,500.

Tax Offset

State and federal tax refunds can be intercepted to pay support. State tax refunds can be intercepted once arrears reach \$150. Federal tax refunds can be intercepted once arrears reach \$150 in cash assistance cases or \$500 in non-cash assistance cases. The payer may object to the tax refund offset. If there is a joint tax return, a refund may be held for up to six months so the payer's current spouse can file to get back the spouse's share of the refund.

Vehicle Booting

A boot is an immobilization device that can be placed on a payer's vehicle when the payer has a bench warrant for failing to appear for a contempt hearing.

Helpful Hints to Avoid Enforcement Actions

1. *If a court orders you to do something, follow the order.* If you do not believe the order is fair, you may file a motion to change the order or appeal the judge's decision to a higher court. Even if you challenge an order, obey the original order until the court changes it or until an appellate court changes it. You must follow the order until it is changed.
2. *Keep accurate records.* If the court order requires payments, be sure to use checks, money orders, or other payment methods that will provide you a written record of all payments that you have made. In order to receive proper credit for payments, you must make your payments through the MiSDU.
3. *If you cannot obey an order because of a change in your circumstances, let the FOC know as soon as possible and in writing.* State law requires both parents provide current income information and report any change in circumstances to the FOC. If you are comfortable talking with the other parent, you should also let them know about your change in circumstances.
4. *If your circumstances change, you may request a review or file a motion with the circuit court to request a change to the support amount.* The FOC will provide you with the necessary forms, or you can access the motion forms online at <http://courts.mi.gov/Administration/SCAO/Forms/Pages/Domestic-Relations.aspx>.