

REQUESTING A CHANGE IN CHILD SUPPORT

Frequently Asked Questions



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

Parents who pay or receive child support have the right to ask their friend of the court (FOC) office for a review of the child support amount. This FOC service – recalculating the child support amount – is called a **support review**. Michigan law allows a support review if either parent's financial circumstances change a lot. Even without suggestion of a change in parents' financial circumstances, the FOC must review the support amount every three years if a child's parent receives public assistance or if one of the parents requests a review. The FOC support review service is free to parents who have an FOC case.

Here are some frequently asked questions about child support review and modification:

When can a court change the child support amount?

A court can change a child support amount any time until the child turns 18, or until the child is as old as 19½ if the child is still in high school. MCL 552.605b(2). A parent or the friend of the court (FOC) can ask a court to change child support:

- Once every 36 months, or
- If there has been a **substantial change in circumstances**. MCL 552.517b.

What is a “substantial change in circumstances”?

A “substantial change in circumstances” is a change that has affected a parent or the child and is so significant that it is no longer fair to continue to require support payments at the current amount. See MCSF Supplement 3.01(B). Usually this is when one or both parents experience a significant increase or decrease in their income or expenses that is out of their control. If the change in financial circumstances is voluntary, such as quitting a job or buying a new asset, the change may not qualify the parent for a review. The court decides whether it is appropriate to change a child support order.

How can I change my child support order?

There are two ways a parent may ask for a change in a child support court order from a Michigan court:

1. A parent may ask the FOC office for a support review. After collecting information and recalculating the amount, if the FOC recommends the support amount should change, the FOC will ask the court to change the support order.
2. A parent may file a motion asking the court to change the support order.

➤ *How to ask the FOC for a support review:*

You may write to the FOC office and ask for a support review. You are entitled to a review every 36 months, but FOCs may review support orders more frequently if a parent requests a review and offers evidence that there has been a change in circumstances or a substantial change in circumstances (MCL 552.517b).

If the FOC reviews the support amount and determines that it should be modified, the FOC must then file a motion that asks the court to modify the support amount. The entire process, including the court's ruling on an FOC motion, must be completed within 180 days after the FOC office starts its review.

- ***How to file your own motion to ask the court to change the support order immediately:***
If you have a substantial change in financial circumstances, you may file a motion to modify support for a \$60 motion filing fee. You must prove to the court that it should modify the support amount in accordance with current laws.

You may hire a lawyer to file the motion for you. If you choose to represent yourself in court, you can file a [Motion Regarding Support](http://michiganlegalthelp.org) with the circuit court. The Michigan Legal Help website (<http://michiganlegalthelp.org>) has a tool to help you fill out the form. <https://courts.michigan.gov/Administration/SCAO/Forms/courtforms/foc50.pdf>.

You may be able to get a copy of this motion packet from your FOC office.

You must complete the form, pay the motion filing fee, and file the forms with the court.

Should I try to change support amounts through the FOC or through the court?

While it is more expensive to go through the court, it can be faster to ask the court to change support than going through the FOC.

The FOC, however, will review your request and current support order, then ask the court to change the order, if appropriate, at **no charge**. However, the FOC process may take up to 180 days. You will still have to pay the original support amount until the court approves the change.

If you ask the court to change your support, it can cost up to \$60 (a \$20 motion fee, and a \$40 filing fee). The new support amount can potentially go back to as early as the date you notify the other parent that you filed a motion.

You can ask the court to waive the fees if you cannot afford to pay them by filling out a [Fee Waiver Request](https://courts.michigan.gov/Administration/SCAO/Forms/courtforms/mc20.pdf), available at <https://courts.michigan.gov/Administration/SCAO/Forms/courtforms/mc20.pdf>.

What happens when the FOC reviews support orders?

When an FOC office reviews support orders, it first asks both parents for information regarding all their dependents and proof of their incomes. It may also contact both parents' employers to prove their incomes. The FOC uses the Michigan Child Support Formula (MCSF) to determine the appropriate support amount. Michigan law requires that the use of the MCSF to calculate support. In rare situations, an FOC may recommend support at a different amount (called "deviation") if the FOC determines that basing support on the parents' actual incomes or a strict application of the MCSF would be unfair or inappropriate. In those circumstances, the court will decide whether to follow the MCSF or the FOC's case-specific recommendation. The court may also choose to deviate from the guidelines without the FOC recommending it.

After finishing a review, the FOC office will send notice of the proposed support amount to both parties. If neither party files an objection to the proposed amount, the new amount will replace the previous support order. If either party files an objection to the proposed amount, the FOC will schedule a hearing before a judge or referee.

What do I do if I have been ordered to pay child support and I lose my job or my income decreases?

The law requires you to write to the FOC, stating that your financial circumstances have changed. If you want your support amount changed, you may also use one of the options previously described to begin the support-review process. Remember that you must continue to pay the support amount ordered until the court changes that amount through a new order.

What do I do if I have been ordered to pay child support and I become incarcerated or otherwise incapacitated?

Tell the FOC, if possible. Your support order may change if you are unable to pay the ordered support obligation because you are temporarily or permanently unable to earn an income for at least 180 days (examples of being unavailable include: mental incompetency, serious injury, debilitating illness, or incarceration). The current support order will remain in effect until the FOC learns of the incapacitation. Contacting the FOC directly about your situation is the fastest way to inform the FOC of your incapacitation. The date of any potential changes to support will depend on your specific circumstances.

When the court changes support, is that change permanent?

No, the court may change the support amount again in the future if either parent's circumstances require a change.

What if I disagree with the amount of support recommended by the friend of the court?

If the FOC recommends that the support amount stay the same, you can write to the FOC office and ask to schedule a court hearing to decide whether the support should change.

If the FOC recommends more or less support and you disagree with the recommended amount, you can get a court hearing by following the instructions that you will receive from the FOC in its recommendation.

At a support hearing, you can explain to the judge why you think the court should set support different from the amount the FOC recommended.

If both parents agree to a change in the support order, do both parents have to go to court?

Some FOC offices will help parties write an agreement to ask the court to enter a new order. After both parties sign the agreement, the FOC sends it to the court for approval. If your FOC does not prepare agreements, it will be up to the parties to draft their own agreement. A parent must file the motion to change the support order. Instructions and forms to use in preparing a uniform child support order are available at <https://courts.michigan.gov/Administration/SCAO/Forms/courtforms/foc10.pdf>. Even if you agreed to a change, the current order remains in effect until the judge signs the new order.

What financial obligations can be included in a support order besides child support?

In addition to child support, Michigan law requires parents to provide for the child's medical/health care expenses and allows the order to require payments for childcare and educational expenses. Also, a court order may include an order to pay the mother's expenses for the birth of the child and to reimburse genetic tests.

What if I still have questions?

Additional information about modifying child support is available at the Michigan Legal Help website, <http://www.michiganlegalhelp.org>. The website has a list of common questions, self-help tool kits with forms, instructions, checklists, and information about going to court.

What do I do if I want to hire a lawyer but cannot afford one?

The State Bar of Michigan website has several resources for those who cannot afford legal services. The two most common resources are the Lawyer Referral Service and Legal Aid. You may find information about the State Bar's Lawyer Referral Service at <http://www.michbar.org/programs/lawyerreferral>. Information about free or low-cost legal assistance in your area is at <http://michiganlegalhelp.org/organizations-courts/find-lawyer>.

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