CHILD SUPPORT
AND
MILITARY FAMILIES

WHO SHOULD USE THIS BROCHURE?

This brochure provides general information to service members who have been ordered to pay child support, and to parents who receive or want to receive child support from a service member. **This brochure does NOT replace the advice of an attorney regarding a specific situation or case.**

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Do I have to pay support if I am in the military?

Yes. All parents have an obligation to support their children. The Department of Defense requires service members to provide support for their families. Each military branch has regulations that define their service members' obligations:

- Army: *AR 608-99*
- Air Force: *AFI 36-2906*
- Navy: *SECNAVINST 7431.1*
- Marine Corps: *Marine Corps Order P5800.16 (LEGADMIN) Chapter 15*
- Coast Guard: *PERSMAN Chapter 8M*

If I am in the military, what will happen if I stop paying child support?

The friend of the court office (FOC) enforces support orders entered or registered by Michigan circuit courts. The state Office of Child Support (OCS) also handles some administrative enforcement actions. A prosecutor or the attorney general may also start criminal proceedings when support goes unpaid.

In addition to civilian sanctions, service members can face discipline by their commanding officers or court martial proceedings for failing to support their dependents. Sometimes, service members may be discharged or face other punishment. The service members' commanding officers will also be told about the missed payments.

Persons who owe at least $2,500 in past-due support may not be able to obtain or renew passports, regardless of military status. They must follow the instructions provided by OCS and the FOC to arrange for payment of their arrearages before passports can be issued or renewed.

Can child support be taken directly out of my military paycheck?

Yes. The law requires a parent's employer to withhold support from the parent's income. This requirement applies to civilians as well as active, reserve, and retired service members. Child support is immediately taken out of military paychecks. If any payments are past due, the FOC will start other enforcement measures.

Under Michigan law, an employer must limit income withholding to 50% of net disposable income. If the employer is located outside Michigan, the federal Consumer Credit Protection Act or the law of the state where the employer is located will determine how much may be withheld.

What if I have more than one support order?

All support amounts are taken out of a service member's military paycheck. If the amount withheld from the service member's income does not cover the full amount, each child support obligation should be paid so recipients receive a portion of the amount taken from the service member's pay. The service member will be required to pay the difference from other funds.

How can I change the amount of support?

The court that issued the support order may change it. There are two ways a parent may change the support order. First, a parent may ask the FOC to review the order. After the review, if the FOC concludes the support amount should change, the FOC will ask the court to modify the support order. Second, a parent may file a motion asking the court to change the support order.

The motion form (FOC 50) is available online at http://courts.mi.gov/Administration/SCAO/Forms/Pages/Domestic-Relations.aspx.

How will my child support payment be calculated?

Child support orders issued by Michigan courts, regardless of military status, must be calculated using the Michigan Child Support Formula (MCSF).

The income used to figure the child support amount includes:

- Basic and specialty pay.
- Allowance for quarters and rations.
- Basic Allowance for Housing Type II rate (BAH-II).
- Veterans' administration benefits.
- G.I. benefits (other than your education allotment).
- Drill pay.
- Reenlistment bonuses.

The MCSF manual can be found online at http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FOC/Pages/Child-Support-Formula.aspx.

How can I contact the FOC?

Court orders require a parent to notify the FOC of changes of address, the parent's current employer and address, and information regarding health care coverage for dependents that is available or maintained by a parent. Contact information for all Michigan FOC offices listed by county is at http://courts.mi.gov/self-help/directories/pages/trial-court-directory.aspx. For case specific questions, contact the FOC office where the case is located.

Parties can access payment and case information and, in some instances, contact the FOC office by using the MiChildSupport Portal online at https://micase.state.mi.us/ssoapp/login.

Can my children be covered by my military medical benefits?

Active duty or retired service members' eligible dependents can receive medical coverage (and dental coverage for an additional cost) through TRICARE.

Either parent can contact the Defense Manpower Data Center (DMDC) to find out if a dependent is eligible for TRICARE. The DMDC help line phone number is 800-538-9552.

When Reservists and National Guard members are called to active duty for longer than 30 days, their dependents may qualify for TRICARE.

What happens to child support when a parent serving in the Reserves or National Guard is called to active military duty?

Parents who are called to active duty at home or abroad must report their change of address and employment to the FOC. This is critical if child support is withheld from their civilian paychecks.

Under Michigan law, parents who are called for emergency military service for more than 30 days and earn less than the civilian income can have their support temporarily adjusted while they are on active duty. The parent must ask the FOC to adjust the support in writing and provide the FOC with documentation showing the difference between the civilian pay and the active-duty military pay. Parents who contact the FOC within 56 days of being called to active duty may have their support adjusted retroactively to be effective the day they began emergency service.

The support recipient can object to the reduction. Any court hearings will be scheduled around the term of service. Support returns to the earlier ordered amount when emergency military service ends.

For additional information, please visit http://courts.mi.gov/administration/scao/officesprograms/foc/pages/reserve-and-national-guard-soldiers.aspx.

My child's service-member parent has skipped child support payments. What can I do?

Contact the FOC and request enforcement. Assist the FOC office by providing information regarding the service member's status or location. The FOC will implement income withholding immediately and, as needed, will work with the Department of Defense and the parent's commanding officer to enforce support. If necessary, the office may use other enforcement remedies.

If my child enters the military, what will happen to that child's support?

Child support terminates if the child joins the military. Either the person who pays or the person who receives support should contact the FOC to inform it of the date a child's active service begins. While the current support obligation will end, any overdue support must still be paid.

If I have to go to court, will the military provide an attorney or should I hire an attorney?

Normally, only a civilian attorney can represent someone in civilian court. People who need to appear in a state court on a case that does not involve possible incarceration must hire their own civilian attorney. If the case involves possible incarceration, the court may appoint an attorney if the person qualifies for a court-appointed attorney. Most branches of the military have legal services offices that can help a service member find a local civilian attorney.

Service members can use the Armed Forces Legal Assistance (AFLA) Locator to find a legal services office, available online at http://legalassistance.law.af.mil/content/locator.php. AFLA services are available to active duty service members, retirees, and reservists.

If a service member is court-martialed because of past-due support, he or she may have the right to a military attorney. Each military branch has its own lawyers, called Judge Advocates (JAGs). Links to each of the JAG websites can be found at http://www.military.com/benefits/military-legal-matters/legal-assistance-and-jag/free-legal-assistance.html.

If I start a support case against a military service member, will the military provide me an attorney?

No. Most military legal assistance attorneys will advise spouses and children regarding many legal matters, but **not** regarding support actions. For nonsupport actions, service members' children and spouses can use the Armed Forces Legal Assistance (AFLA) Locator to find a legal services office (see above).