

**FRIEND OF THE COURT
CHILD SUPPORT ENFORCEMENT**



Friend of the Court Bureau/State Court Administrative Office
Michigan Supreme Court
<http://courts.mi.gov/administration/scao>

Title IV-D of the Social Security Act (referred to as “Title Four-D”) handles the administration of the nation’s child support program. Under Title IV-D, the friend of the court office (FOC) 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 “arrears.” When a payer is behind on their child support, the payer has an “arrearage.”

Bench Warrants

If a party does not appear at a hearing for not paying child support, the court may issue a bench warrant for the party’s arrest. The party will be brought before the court for further proceedings.

Surcharge on Child Support Arrears

A surcharge will only be added to the payer’s amount if the court finds that the party willfully failed to pay support as ordered. Beginning in January 2011, each January 1 and July 1 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.

Consumer Reporting

If the arrearage reaches two or more months’ worth, the FOC will notify the payer that he or she has been 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. 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 consumer reporting agency.

Felony Non-Support

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.

Income Withholding

All new and modified child support orders must include an income withholding provision unless the parties otherwise agreed. The employer takes the support payment from the payer’s paycheck at the same time as taxes, insurance premiums, etc. The employer must send payment 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.

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 take and sell a payer’s property. Liens for child support can be issued against real or personal property, financial assets, or insurance claims.

Passport Denial

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

Show Cause Hearings

The FOC can ask the court to order the payer to “show cause” why the payer should not be found in contempt for failing to pay the amount of support ordered. If the payer fails to appear, a bench warrant can be issued. If the court finds that the payer is able to pay the order, or that the payer has no good reason why the payer has not paid, the court can order the payer to make payments or to pay off the entire arrearage amount.

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 payer’s spouse may 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 there is arrearage on the support amount. Attempts to move the vehicle without first having the boot removed would cause extreme damage to the vehicle.

Modification of Child Support

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

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 pay 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 Michigan State Disbursement Unit.
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.* MCL 552.603, 552.610, and 552.615 require that both parties provide current income information and report any change in circumstances to the FOC. You should also inform the other parent in writing. The other parent may be willing to try and work out different arrangements.
4. *If your circumstances change and you cannot reach some agreement with the other party, you may 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>.