

# FACTS ABOUT THE MICHIGAN CHILD SUPPORT FORMULA



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## INTRODUCTION

The Michigan Child Support Formula (MCSF) provides guidelines to establish child support amounts. Federal law requires each state to have guidelines to determine the children's financial needs and to make sure all similar cases are treated the same.

This brochure answers common MCSF questions. For additional information, please refer to the manual or contact an attorney.

The MCSF Manual is online at <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FOC/Pages/Child-Support-Formula.aspx>.

### **(1) What is the purpose of the Michigan Child Support Formula?**

The MCSF helps courts set the correct child support amount for children. The MCSF is based on the needs of the children and the resources of their parents.

### **(2) How does the MCSF determine children's needs?**

The MCSF is based on expert analysis of facts and data about the costs of raising children at different income levels.

### **(3) What other factors influence the MCSF's child support calculations?**

The MCSF considers both parents' net incomes, and then considers that income against some outside factors. The formula also makes adjustments for special circumstances such as split custody and number of nights that child(ren) spend in each parent's home.

### **(4) Will my current child support order change if the MCSF suggests a different amount of support?**

The friend of the court (FOC) must use the MCSF when making a support recommendation. After the FOC completes a support review, the law requires the FOC to ask the court to change the support amount when a minimum "threshold of change" is reached. That threshold is an increase or decrease of either \$50 per month or ten percent (10%) of the current monthly support amount, whichever is less. If the formula shows a change smaller than that threshold, the FOC usually will not ask the court to change the order.

### **(5) Will the judge order the exact child support amount recommended by the formula?**

Not always, but when judges do not accept the formula's recommendation, the judge must explain why.

### **(6) How does the MCSF determine the amount that both parents must pay for children's health care expenses?**

Depending on things like the availability and cost of employer-sponsored insurance, the court may order a parent to have health care coverage for the children. The cost of insurance premiums is divided between the parents.

In most cases, the formula divides other out-of-pocket health care expenses into two categories: ordinary medical expenses and additional medical expenses. Both parents must help pay for the child's ordinary medical expenses. The support payer's monthly support payment includes their part of the expenses.

The MCSF assumes the support payee has contributed his or her share. The court will divide any out-of-pocket expenses greater than the court's estimate of yearly ordinary medical expenses for the payee or payer at a later date.

**(7) Does the MCSF consider child care expenses?**

Yes. When either parent has work or education-related child care expenses while that parent has the child's care, the MCSF splits the cost between the parents.

**(8) What if a parent does not have an income?**

The MCSF allows the FOC to consider a parent's potential income. The FOC can determine if a parent could earn a certain wage based on the parent's skills, knowledge, abilities, and job opportunities in the area. The FOC and the court can then apply the MCSF as if the parent had earned that income.

The FOC will provide the court with two support recommendations. One is based on the parent's actual income, and the second is based on the parent's actual income *plus the parent's potential income*. The FOC must present evidence to support its decision to use potential income. Potential income may also be called "imputed income."

**(9) What if a parent has a child from another relationship?**

If a parent has a child from a relationship with someone who is not involved in the case, the MCSF sets aside a portion of the parent's net income to pay support for that child.

**(10) Are stepchildren considered when making child support recommendations?**

Courts do not consider stepchildren when making child support recommendations. The only exception is when *neither* of the stepchild's natural or adoptive parents has income or the ability to earn income.

**(11) How often is the MCSF updated?**

The MCSF is reviewed every four years; however, changes can be made to the MCSF at any time.

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