

Objection to Military Service Adjustment Checklist

The Support and Parenting Time Enforcement Act (SPTEA), [MCL 552.615a](#), “allows a child support payer who is in the National Guard or the military reserve to request an administrative adjustment of a child support order if the payer is called to full-time active duty for a period of more than 30 days. This administrative adjustment is temporary and does not alter or change the underlying support order. . . . A separate request should be submitted for each child support case for which the payer seeks an adjustment.”¹ SCAO Memorandum, *SCAO Administrative Memorandum 2007-02, Adjustments of Child Support for Payers Called to Active Duty Military Services*, p 1-2, at <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Administrative-Memoranda/2007-02.pdf>.

“If a payer is called to emergency military service,^[2] that payer may request a military service adjustment on his or her support obligation by providing a written request to the office of the friend of the court [(FOC)] along with information showing all military and civilian pay.” [MCL 552.615a\(1\)](#). On receipt of a request for military service adjustment, the FOC must calculate the adjustment, notify all parties of the adjustment amount, and that an objection to the adjustment may be filed *within 21 days*. See [MCL 552.615a\(3\)](#).

If an objection to the military service adjustment has been made, the military adjustment must continue until a party’s objection is resolved OR until 35 days after the payer’s emergency military service ends (whichever is sooner). [MCL 552.615a\(4\)](#).

¹ [MCL 552.615a](#) “empowers the [Friend of the Court (FOC)] itself to temporarily modify the support obligation upon the payer’s request. Action by a court is not required unless a party objects to the FOC’s action.” *SCAO Administrative Memorandum 2007-02, Adjustments of Child Support for Payers Called to Active Duty Military Services*, p 1, at <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Administrative-Memoranda/2007-02.pdf>.

²*Emergency military service* means “that the payer is a member of the armed forces reserves or national guard, called into active military duty for a period of more than 30 days.” [MCL 552.615a\(6\)](#).

If a party objects to the military service adjustment, hold hearing as soon as possible (scheduled by FOC) to determine whether the military service adjustment should be modified or set aside. [MCL 552.615a\(5\)](#).

If the hearing:

CANNOT be held during the payer's emergency military service, do one of the following:

Hold the hearing no later than 35 days after the payer's emergency military service ends.

Conduct a support review upon a payer's return from emergency military service. If a support review is conducted, the notice of adjustment must be treated as a petition for modification of support for determining an effective date for the modification.

Schedule a meeting between the parties to be held upon the payer's return from emergency military service to attempt to resolve the dispute over whether the adjustment should be set aside or modified. [MCL 552.615a\(5\)](#).

IS held:

Ensure payer is a member of the armed forces reserves or national guard and has been called into active military duty for a period of more than 30 days. See [MCL 552.615a\(1\)](#); [MCL 552.615a\(6\)](#).

Ensure proper notice has been given to both parties.

Permit the payer to appear at the hearing by any means authorized. [MCL 552.615a\(5\)](#).

Determine whether the military service adjustment should be modified or set aside. See [MCL 552.615a\(5\)](#).

For court forms related to domestic relations actions, see the One Court of Justice [website](#).

For additional domestic relations resources, see the Friend of the Court Bureau [website](#).