

# Repayment Plan for Discharge and Waiver of Surcharges Checklist

A support order issued by a Michigan court must be enforced as provided in the Support and Parenting Time Enforcement Act (SPTEA), [MCL 552.601 et seq.](#) If the court determines that a payer failed to pay support under a support order and that the failure was willful, [MCL 552.603a\(1\)](#) permits the court to order a surcharge be added on January 1 and July 1 of each year to support payments that are past due as of those dates.

A party or the Friend of the Court (FOC) may file a motion with the court for a repayment plan order that provides, subject to federal law or regulation, for discharge of amounts assessed as surcharge and for the waiver of future surcharge. [MCL 552.603d\(1\)](#).

The court must schedule a hearing on receipt of a party's or the FOC's motion seeking a repayment plan. See [MCL 552.603d\(1\)](#).

Procedures to follow during the repayment plan hearing:

- Ensure proper notice was provided. See [MCL 552.603d\(1\)](#).
- Enter a repayment plan order if all of the following are true:
  - The arrearage did not arise from conduct by the payer engaged in exclusively for the purpose of avoiding a support obligation.
  - The payer has no present ability, and will not have an ability in the foreseeable future, to pay the arrearage absent a repayment plan that waives or discharges amounts assessed as surcharge.
  - The payer's plan is reasonable based on the payer's current ability to pay.

- The surcharge accrued or will accrue after June 30, 2005.  
[MCL 552.603d\(1\)](#).

**A surcharge must not be assessed for the current semiannual cycle if the surcharge is waived or abated by court order under [MCL 552.603d](#). [MCL 552.603a\(3\)\(c\)](#).**

If, after entry of a repayment plan order and on notice and a hearing, the court finds that the payer has substantially failed to comply with the repayment plan, the court must enter an order that reinstates the surcharge and all or a portion of the surcharge that was discharged. [MCL 552.603d\(2\)](#).

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](#).