

Contesting Implementation/Adjustment of Income Withholding for Arrearage Checklist

Each support order entered or modified by the circuit court must provide for an order of incoming withholding. [MCL 552.604\(1\)](#). The order of income withholding provided for in a support order (including consideration and any abatements of support) must take immediate effect unless a suspension of immediate income withholding order is entered.¹ [MCL 552.604\(3\)](#).

Proceedings to implement/adjust income withholding must commence if “the arrearage under a support order reaches the arrearage amount that requires the initiation of 1 or more support enforcement measures as provided in . . . [MCL 552.511](#), or, if the amount of income withholding is administratively adjusted for arrears under . . . [MCL 552.517e\[.\]](#)” See [MCL 552.607\(1\)](#); [MCL 552.604\(5\)](#). The office of the Friend of the Court (FOC) must send immediate notice of the arrearage and inform the payer, among other things, that the payer’s income is subject to income withholding or the income withholding is being administratively adjusted for arrears and that the payer may make a written request for a hearing to contest implementation/adjustment of the income withholding *within 21 days*. See [MCL 552.607\(1\)](#).

A payer’s written request for a hearing to contest the implementation/adjustment of income withholding MUST be filed with the court clerk as a motion contesting the proposed action. [MCL 552.607\(3\)](#).

On receipt of a payer’s motion contesting the implementation/adjustment of income withholding, the hearing MUST be held within 14 days of the request. [MCL 552.607\(3\)](#).

¹ For a checklist on the suspension of immediate income withholding, see the Michigan Judicial Institute’s [Suspension of Immediate Income Withholding Checklist](#).

Consolidated hearing *may* be held if motion to modify child support is filed by or on behalf of a payer and is pending at the time a hearing is scheduled for a motion contesting the implementation/adjustment of income withholding for arrearage.² See [MCL 552.607\(5\)](#).

All proceedings under [MCL 552.607](#) must be completed within 45 days after the date the FOC provides the payer with notice, UNLESS otherwise permitted by the court upon a showing of good cause. [MCL 552.607\(6\)](#).

Procedures to follow during the hearing:

- Ensure motion challenging withholding was timely filed (within 21 days of when notice regarding withholding was sent). [MCL 552.607\(2\)](#).
- Ensure proper notice has been provided. See [MCL 552.607\(2\)](#); [MCL 552.607\(3\)](#).
- Rescind/modify income withholding if the payer establishes:
 - the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer, OR
 - periodic implementation of an administrative adjustment of the amount of the periodic payment of arrears to be withheld will cause an unjust or inappropriate result. See [MCL 552.607\(2\)-\(3\)](#).

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](#).

² See [MCL 552.607\(1\)\(h\)](#), which permits a payer to file a petition for modification of a child support order “if the payer believes that the amount of support ordered should be modified due to a change in circumstances[.]” For a checklist on the modification of child support, see the Michigan Judicial Institute’s [Modification of Child Support Checklist](#).