

Modification of Child Support 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.¹ See [MCL 552.607\(5\)](#).

Consolidated hearing MUST 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 on a proposed license suspension is scheduled UNLESS good cause is shown on the record to keep the hearings separate. **If hearings are held separately, the modification hearing MUST be held before the suspension hearing.**² See [MCL 552.629\(2\)](#).

A request for modification of child support may be raised by:

- ❑ A party to the child support order. See [MCL 552.517\(7\)](#); [MCL 552.517b\(8\)](#); [MCL 552.605d\(8\)](#); [MCL 552.607\(1\)\(h\)](#); [MCL 552.619\(1\)](#); [MCL 552.628\(3\)\(e\)](#).

Party Objecting to Friend of the Court (FOC) Recommendation Not to Modify. The party must file a written objection *within 21 days* of the FOC conducting a periodic review of the child support order and determining no modification was required. See [MCL 552.517\(7\)](#).

Party Objecting to FOC Recommendation to Redirect or Abate Support. The party may file a motion to modify support after an objection to redirection or abatement of child support was timely filed.³ See [MCL 552.605d\(8\)](#).

¹ For a checklist on a payer's motion contesting implementation/adjustment of income withholding, see the Michigan Judicial Institute's [Contesting Implementation/Adjustment of Income Withholding for Arrearage Checklist](#).

² For a checklist on a payer's request for a hearing on the proposed license suspension, see the Michigan Judicial Institute's [License Suspension for Arrearage Checklist](#).

Payer Awarded Sole Custody of Child. A payer who is awarded sole custody of the child, was previously ordered to pay support for that child, and has no arrearage under the support order for that child is entitled to modification of the support order related to that child. [MCL 552.619\(1\)](#).

- The FOC conducting a review of the child support order and petitioning the court for modification of the order after an objection to redirection or abatement of child support was timely filed. See [MCL 552.517\(5\)](#); [MCL 552.517b\(3\)](#); [MCL 552.605d\(8\)](#).
- The FOC conducting a periodic review of the child support order and petitioning the court for modification of the order. See [MCL 552.517\(5\)](#); [MCL 552.517b\(3\)](#).

Note: The FOC must send notice to the parties of the child support order of its intent to modify the child support based on amount calculated, proposed effective date, parties' right to object to the recommended modification, and if no objection is filed *within 21 days*, an order will be submitted to the court incorporating the new amount. [MCL 552.517b\(3\)](#).

Note: Allow for modification of child support if the custodian begins to receive public assistance.

Hold a hearing if a motion has been filed requesting modification or an objection to the FOC recommendation was timely filed. Procedures to follow during the modification hearing:

- Confirm proof of service.
- If the FOC recommendation was objected to, may consider the FOC's recommended child support amount as evidence to prove a fact relevant to the calculation if no other evidence is presented concerning the fact, and the parties agree or no objection is made to its use for that purpose. [MCL 552.517b\(6\)\(c\)](#).
- Only modify a child support order upon finding a *substantial change in circumstances*, including, but not limited to, health care coverage becoming newly available to a party and a change in the support level under [MCL 552.517\(5\)\(a\)](#). [MCL 552.517b\(8\)](#). Proof of a substantial change in circumstances to

³ Objection to redirection or abatement of child support must be filed *within 21 days* after the FOC notifies each party of the proposed redirection or abatement of support. See [MCL 552.605d\(8\)](#).

modify a child support order is not required when support is adjusted under [MCL 552.517\(1\)](#). [MCL 552.517b\(7\)](#).

- Modification of a child support order is a matter within the court's discretion, and is reviewed for an abuse of discretion. *Burba v Burba*, 461 Mich 637, 647 (2000).
- If motion to modify support included a request for post-majority support for a child between the ages of 18 and 19 years and 6 months, post-majority child support *may* be ordered if the child:
 - regularly attends high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school AND
 - resides on a full-time basis with the recipient of support or at an institution. See [MCL 552.605b\(2\)](#).
 - Note:** The child is not required to complete high school by the time he/she reaches 19 years and 6 months of age.
- Enter appropriate Uniform Child Support Order, which includes.
 - requirement that each party keep the FOC informed of:
 - the name, address, and telephone number of his/her current source of income.
 - any health care coverage that is available to him/her or that is maintained by him/her (including the name of the insurer, the policy, certificate, or contract number), and the names and birth dates of the persons for whose benefit he/she maintains health care coverage under the policy, certificate, or contract. [MCL 552.605a\(1\)](#).
 - provision providing for post-majority support (if applicable):
 - was agreed to by the parties. [MCL 552.605b\(5\)](#).
 - "terminates on the last day of a specified month, regardless of the actual [high school] graduation date." [MCL 552.605b\(3\)](#).
 - amount of child support to be paid "in monthly amounts payable on the first of each month in advance." [MCL 552.605c\(1\)](#).

- provision providing for an immediate income withholding (UNLESS a suspension of immediate income withholding order has been entered).⁴ See [MCL 552.604\(1\)](#); [MCL 552.604\(3\)](#).
- if child is under state’s jurisdiction and is placed in foster care, support is assigned to the Department of Health and Human Services (DHHS). [MCL 552.605d\(1\)\(a\)](#).
- if child is under court’s jurisdiction and is placed in county-funded foster care, support is assigned to the DHHS. [MCL 552.605d\(1\)\(b\)](#).
- for an FOC case, substantially the following statements:
 - ““The office of the friend of the court may consider the person who is providing the actual care, support, and maintenance of a child for whom support is ordered as the recipient of support for the child and may redirect support paid for that child to that recipient of support, subject to the procedures prescribed in . . . [MCL 552.605d](#).” [MCL 552.605d\(1\)\(c\)\(i\)](#).
 - ““If the payer resides full-time with a child for whom support is payable under this order, support for that child abates in accordance with policies established by the state friend of the court bureau and subject to the procedures prescribed in . . . [MCL 552.605d](#).” [MCL 552.605d\(1\)\(c\)\(ii\)](#).
- on and after March 24, 2022, the following statement: “If the payer will be incarcerated for 180 consecutive days or more and will not have the ability to pay support, the monthly amount of support payable under the order must be abated by operation of law, subject to . . . [MCL 552.517f](#).” [MCL 552.605d\(2\)](#).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](#).

⁴ For a checklist on the suspension of immediate income withholding, see the Michigan Judicial Institute’s [Suspension of Immediate Income Withholding Checklist](#).

⁵ A support order entered before March 24, 2022, “is considered to include, by operation of law, the provisions stated in [[MCL 552.605d\(2\)](#)].” [MCL 552.605d\(4\)](#). Courts may receive motions from parties to domestic relations matters where there is not an open friend of the court case requesting application of certain subsections within [MCL 552.517f](#) when a payer either will be incarcerated for 180 consecutive days or more or will be released from incarceration. See [MCL 552.605d\(5\)](#).