

Suspension or Termination of Income Withholding 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\(3\)](#).

The Friend of the Court (FOC) must suspend or terminate an income withholding order if:

- the FOC case is being closed after location of the child and custodial parent cannot be determined for 60 days or more.
- the court orders suspension or termination.
- on court's review and entry on record of a written agreement between the parties. [MCL 552.619\(2\)](#).

Court procedures for issuing a suspension or termination of income withholding:

- Based on *written agreement between the parties*,
 - Review parties' written agreement and ensure it includes:
 - an agreement that the order of income withholding must be suspended, AND
 - provides for an alternative payment arrangement, AND

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

- that the payer will 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 as a benefit of employment 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 552.619\(2\)\(d\)](#).
- Accept written agreement if:
 - there is NO support arrearage. See [MCL 552.619\(3\)\(a\)](#).
 - an order of income withholding was NOT previously suspended or terminated and subsequently implemented due to the payer's failure to pay support. See [MCL 552.619\(3\)\(b\)](#).
- Enter the parties' written agreement in the record. [MCL 552.604\(3\)\(b\)](#).
- Based on *court order* after the following inquiries and determinations:
 - Terminate income withholding order because there is no further support obligation. [MCL 552.619\(2\)\(b\)](#).
 - Terminate income withholding order (as soon as previously accumulated arrearage is paid) because:
 - payer was awarded sole custody of the child for whom the payer paid child support, and the child support was modified to exclude payment of support for that child; AND
 - the child support order does not provide for support to any other child of whom the payer does not have custody, for support to a former spouse, or for payments of pregnancy or birth expenses. [MCL 552.619\(1\)](#).
- Suspend OR terminate income withholding order because:
 - good cause has been shown. For determination of good cause, may consider:
 - previous payment record of the payer.

evidence of the payer's intent to make regular and timely support payments.

any other factors considered relevant. [MCL 552.619\(2\)\(c\)](#)

Note: Payment of arrearages under the support order must not be the sole reason for termination of an order of income withholding. [MCL 552.619\(2\)\(c\)](#).

suspension/termination is not contrary to the child's best interests. [MCL 552.619\(2\)\(c\)](#).

Suspend OR terminate income withholding order because the custodial parent moved out-of-state without court authorization. [MCL 552.619\(5\)](#).

Failure to pay support. If the parties enter into a written agreement to suspend the income withholding order, the income withholding order **MUST** take effect if an arrearage in support payments as agreed to under the written agreement reaches the arrearage amount that would require the initiation of one or more support enforcement measures if the case were a FOC case, as provided in [MCL 552.511](#). See [MCL 552.619\(4\)](#).

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](#).

