

# Suspension of Immediate Income Withholding 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.*

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. [MCL 552.604\(3\)](#). However, the immediacy of the income withholding order may be suspended by written agreement between the parties or by court order after notice and hearing is held. See [MCL 552.604\(3\)\(a\)-\(b\)](#).

Procedure for issuing a suspension of immediate income withholding order:

- Based on *written agreement between the parties*,
  - Review parties' written agreement and ensure it includes:
    - an agreement that the order of income withholding must not take immediate affect, AND
    - provides for an alternative payment arrangement, AND
    - that the payer will keep the Friend of the Court (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 552.604\(3\)\(b\)](#).

- Enter the parties' written agreement in the record. [MCL 552.604\(3\)\(b\)](#).
- Based on *court order issued after notice and a hearing*. Hold a hearing, and:
  - Ensure proper notice was provided. See [MCL 552.604\(3\)\(a\)](#).
  - Determine if good cause exists for the order of income withholding to not take effect immediately by finding at a minimum all of the following:
    - written and specific finding why immediate income withholding would not be in the child's best interests.
    - proof of timely payment of previously ordered support (if applicable).
    - agreement by payer to 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 552.604\(3\)\(a\)](#).

For cause or at the payer's request, the court may order that the withholding of income take effect immediately. [MCL 552.604\(6\)](#).

**Ex parte interim support order.** Unless the order suspending the immediate income withholding provides otherwise, an ex parte interim support order must take effect after the expiration of 21 days after the order has been served on the opposite party UNLESS the opposite party files a written objection to the ex parte interim support order during that 21-day period. [MCL 552.604\(4\)](#).

**Failure to pay support.** Proceedings to implement income withholding must commence if the arrearage under a support order reaches the arrearage amount that requires the initiation of one or more support

enforcement measures as provided in [MCL 552.511](#). See [MCL 552.604\(5\)](#); [MCL 552.607\(1\)](#). For a checklist on a payer contesting implementation of income withholding for arrearages, see the Michigan Judicial Institute's *Contesting Implementation/Adjustment of Income Withholding for Arrearage Checklist*.

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](#).

