



Michigan Supreme Court

State Court Administrative Office
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Daniel J. Wright
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TO: Friends of the Court
cc: Chief Circuit Judges
Circuit Court Administrators
Family Division Administrators

FROM: Daniel J. Wright

RE: SCAO Administrative Memorandum 2006-05
Withholding Child Support from Prisoner Account Funds

To assist courts with collecting outstanding child support-related obligations from parents housed by the Michigan Department of Corrections (DOC), the State Court Administrative Office (SCAO) has worked with DOC to develop uniform and effective statewide procedures to withhold funds from prisoner accounts managed by DOC. Our office has approved form FOC 112, *Order to Remit Prisoner Funds for Child Support* for this purpose.
(Link: <http://courts.michigan.gov/scao/courtforms/domesticrelations/support/foc112.pdf>.)

Effective immediately, courts attempting to withhold child support obligations from prisoner accounts need to use form FOC 112. DOC has agreed to honor these specific orders. Following a statutory requirement to collect restitution first (MCL 791.220h), it also agrees to give orders to withhold child support administrative priority over all other legal process against the same funds.

The department collects fifty percent of all funds received by a prisoner over \$50 each month, and models the collection of fines and costs from prisoners under MCL 791.220h. The same threshold as that applied to restitution was also applied to collection of child support, based on (1) uniformity with existing law, (2) the need to allow prisoners to retain minimal funds to subsist on, and (3) security concerns caused by a "poor" inmate population.

DOC forwards withheld funds to the state disbursement unit like other income sources. Then, the state's IV-D program allocates and distributes those payments in the same manner as withheld income. If prisoners have more than one child support obligation, the cumulative

withholding for all cases is limited to 50 percent, similar to current income withholding procedures under the federal Consumer Credit Protection Act.

Corrections officials will continue remitting funds until they receive a subsequent notice to stop. When a prisoner satisfies all debts in a case, the friend of the court office must immediately send a notice to the facility currently holding the inmate. The office must send this notice, even if the prisoner owes support-related debts in other cases.

In order to assure timely delivery of any documents, DOC recommends that envelopes not contain any staples or paperclips. All correspondence with prisoners should also contain the inmate's Prisoner ID number. Court staff can verify or find missing prisoner numbers through the Offender Tracking Information System (OTIS). (Link: <http://www.state.mi.us/mdoc/asp/otis2.asp> .)

If a court or FOC has any questions, please contact Bill Bartels at 517-373-2468 or bartelsb@courts.mi.gov.