



Michigan Supreme Court

State Court Administrative Office
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Steven D. Capps
Director

MEMORANDUM

DATE: December 20, 2012

TO: Chief Circuit and Probate Judges
Presiding Family Division Judges

cc: Friends of the Court
Circuit Court Administrators
Family Division Administrators

FROM: Steven D. Capps

RE: SCAO Administrative Memorandum 2012-10
Prorating, End-dating, and Converting Support Orders to Monthly Amounts

The State Court Administrative Office (SCAO), specifically SCAO's Friend of the Court Bureau, develops guidelines for the conduct, operations, and procedures of all friend of the court (FOC) offices. Each FOC shall take all necessary steps to adopt office procedures to implement the recommendations of the bureau. See MCL 552.503(7).

MCL 552.605c requires the SCAO to establish a formula to convert child support to monthly amounts. This memorandum explains the formula that is found in the 2008 and 2013 Michigan Child Support Formula describing how to prorate orders that begin in the middle of a month. This memorandum also offers guidelines for how to choose an end date for an order, in compliance with MCL 552.605b, amended December 29, 2009. This memorandum supersedes and replaces Administrative Memorandum 2002-10.

If a court or friend of the court has questions concerning this memorandum, please contact Elizabeth Stomski at stomskie@courts.mi.gov, William Bartels at bartelsb@courts.mi.gov, or call 517-373-5795.

A. Conversion Formula

The formula to convert child support orders that impose weekly, biweekly, or semimonthly child support obligations is contained in the following table.

Charge Cycle	Mathematical Function	Factor
Weekly	Multiply (x)	4.35
Biweekly	Multiply (x)	2.175
Semimonthly	Multiply (x)	2

Courts occasionally enter semiannual or annual orders for fixed portions of the support order that are due on a date certain. For example, if the parties' children attend private school, the court may order a single payment to cover part of tuition, in addition to the regular monthly child support amounts. The conversion formula is not intended to address those types of situations.

B. Per Diem Conversion Formula

Some orders have a charge date other than the first day of the month. Consequently, a previous month's charge will cover a portion of the current month when support is converted to a monthly amount.

1. Adjustments for Orders Based on Weekly Charges (Weekly and Biweekly)

When a case has a weekly order, divide the order amount by 7¹ and multiply times the number of days falling within the first month. For example, if a payer has a \$70 per week support obligation, and the obligation is charged 3 days before the month in which support is converted to a monthly obligation, the amount to be subtracted from the new monthly obligation would be calculated by dividing \$70 by 7 and multiplying by 4 (i.e., \$40).²

2. Adjustments for Orders Based on Monthly Charges (Monthly and Semimonthly)

If a child support order begins on a date other than the first of the month, MCL 552.605c(3) requires the monthly support amount for the first charge month to be prorated based on the daily amount for that month.

Using the same assumptions for the number of days in the year as used for converting to monthly amounts, the average value for one day is .033.³ To

¹ For biweekly orders, the obligation would be divided by 14.

² The number of days from the last weekly charge which are in the month converted to a monthly charge.

³ Rounding to the nearest thousandth, the same result occurs regardless whether the days in a year are determined to be 365, 366, or some real number in between.

prorate, multiply the monthly support amount by .033, and multiply that amount by the number of days left in the month.

C. Proration When Child is Removed From the Home

When a child is removed from the family's care and moved into an out-of-home placement, the FOC should redirect child support payments to the new caregiver.⁴ Courts, FOCs, and referees should prorate the amount between the old and new payees if the redirect occurs mid-month. The FOCB has developed a spreadsheet for courts, FOCs, and referees to use to calculate the prorated payments.⁵

Example: Child resides with his mother, the payee, through September 9. The mother receives \$300 a month in child support. On the morning of September 10, the child is removed from the mother's care and is placed in a county-funded care facility through September 19. On the morning of September 20, the child is removed from the county-funded care facility and placed in a state-funded care facility until October 1. The court will need to run the SCAO Abatement Calculator for September 10-19 (county) and again for September 20-October 1 (state). On the morning of October 1, the child is returned to his mother.

Using these dates and calculating the number of overnights the child has had at each location, the SCAO Abatement Calculator figures \$99.00 should be redirected to the county for September 10-19 for 10 overnights, and \$108.90 should be redirected to the state for September 20-October 1 for 11 overnights. This leaves \$92.10 owed to the child's mother for the remaining 9 overnights in September.

D. Proration at Conclusion of Child Support Order

MCL 552.605c(3) states that a monthly support order shall not be prorated for the last month in which the order is in effect. This means the child support obligation continues for the entire month even though certain events would have terminated it mid-month in the past.

The statute also requires the court to choose a date certain to end the support obligation. Previously, the order could provide for a termination event (e.g., high school graduation, child turning 18, or a combination thereof). But reference to an event required the FOC to engage in fact-finding and decision-making to determine that end date. Instead, the court should include in the order the exact month and year the current support charges end. The statute does not require precision; it states that the court must choose a date certain notwithstanding the child's graduation date. [MCL 552.605b(3).] The statute is designed to eliminate the uncertainty over whether graduation is the date the child earns the necessary credits to graduate, attends a graduation ceremony, or receives the diploma.

⁴ See SCAO Administrative Memorandum 2005-04, [Administrative Abatement or Redirection of Child Support](http://courts.michigan.gov/scao/resources/other/scaoadm/2005/2005-04.pdf) <http://courts.michigan.gov/scao/resources/other/scaoadm/2005/2005-04.pdf>

⁵ The SCAO Abatement Calculator can be found at <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/FOCB/Abate-Calc.xls>

Although the selection of an end date requires the court to make a determination based on today's facts, the parties have the ability to change the order if circumstances change.

If the child will turn 18 years old before the child graduates from high school, the court should use the child's graduation month and year as the end date unless there is evidence that the child will not be attending high school after the age of 18 or will attend less than full time. In such a case, the court should use the month and year of the child's 18th birthday as the termination date. If the child will not graduate from high school until after age 19 1/2, the court should use the month and date the child turns 19 1/2 as the termination date.

Because the statute does not define "graduate," SCAO recommends the following guidelines:

1. The court can choose the month the child last attends classes or the date the child's high school holds graduation exercises as the termination date. SCAO recommends using the graduation ceremony date because it is easier to determine when the graduation ceremony will occur several years out as opposed to determining the last day of school for the child.⁶
2. The court should presume that the child will graduate in the year of his or her 18th birthday, absent evidence to the contrary. If it is discovered that the child will graduate later, the child's parents can always ask the court to modify the order to the child's actual graduation date.

⁶ If the date has not been determined for the year the child will graduate, use the most current date available.