

UNEMPLOYMENT RESOURCES: HOW TO CHANGE YOUR CHILD SUPPORT AMOUNT



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INTRODUCTION

Who should use this brochure?

This brochure is for people who are unemployed. **This brochure is NOT intended to replace the advice of an attorney regarding your specific case.**

When can a court change the child support amount?

A court can change a child support amount any time until the child turns 18 (or 19½ if the child is still in high school) (MCL 552.605b(2)). A person or the friend of the court (FOC) can ask a court to change child support if there has been a **change in circumstances** (MCL 552.517).

What is a “change in circumstances”?

A “change in circumstances” is a change that has affected either party or the child, and is so significant that it is no longer fair to continue to require support payments. Circumstances typically change when one parent becomes unemployed. Child support amounts should cover the child’s needs while staying within the means of the parent who pays support. The court decides whether it is appropriate to change a child support order. When the person becomes unemployed or is forced to work reduced hours, the payers or payees should ask the court to change the child support amounts as soon as possible.

I lost my job and cannot afford to pay my child support. What should I do next?

If you lost your job and cannot afford to pay your child support, your circumstances have changed, and you should try to change your support amount **immediately**. Any child support payments that are due before you try to change your support cannot be reduced after they were due. Any change in child support will start on the day the other parent receives notification that you have asked the court to change your child support amount, not on the day you become unemployed.

How can I change my child support amount?

There are two ways to change child support.

- 1) You can ask the FOC to review your child support order. The FOC will review a child support order if:
 - The order is older than three years.
 - The last review is older than three years.
 - There was a change in circumstances before three years have passed since the last change to child support.

The FOC can usually review child support if you have lost your job. If the FOC review agrees that support should change, the FOC will ask the court to change the order.

- 2) You can change s child support obligation through the court by filing a **Motion Regarding Support** (Form FOC 50). You can get a copy of the form from your local FOC or print one from:

<http://courts.mi.gov/Administration/SCAO/Forms/courtforms/domesticrelations/support/foc50.pdf>.

Should I try to change my support through the FOC or through the court?

While it is more expensive to go through the court, it can be faster to ask the court to change support than going through the FOC. The FOC will review your support and ask the court to change it at **no charge**, but the FOC review may take 90 days or longer. Your support will stay the same until the court approves the change.

If you ask the court to change your support, it can cost up to \$60. But, the new support amount can go back to the date when the other parent received a copy of your motion regarding support.

The court can waive the fees if you cannot afford to pay them. To ask a court to waive the fees, fill out an Affidavit and Order, Suspension of Fees/Costs (Form MC 20).

How do I ask the court to change my support?

The process for asking the court to change support is different in each county. Unless indicated otherwise, all the forms you will need have been identified by their FOC form number, and are available from your FOC office or online at:

<http://courts.mi.gov/Administration/SCAO/Forms/Pages/Friend-of-the-Court-Index.aspx>.

You may also be able to find helpful information and generate the forms you need at the Michigan Legal Help website, <http://michiganlegalhelp.org>. Michigan Legal Help was created to help people who have to resolve simple civil legal problems without a lawyer. The website does not provide legal advice and is not a substitute for a lawyer.

1. Get the “Motion Regarding Support” form online or from the FOC.
Some FOC offices have their own version of the form, but most FOCs use the standard “Motion Regarding Support” form (FOC 50).
2. Fill out the motion form.
Be sure to fill out all the blanks on the form. Please print neatly! Pay careful attention to Item 5, and be specific when describing how your circumstances changed (for example, after you lost your job).
3. Bring your completed motion form to the county clerk.
Bring the original form and **5 copies** to the county clerk’s office. You will have to pay \$60.00 when you turn in the form. If you cannot afford the fees, fill out and submit the Waiver/Suspension of Fees and Costs (Form MC 20), available at:
<http://courts.mi.gov/Administration/SCAO/Forms/Pages/General.aspx>.
The clerk will keep your original form and one copy. The clerk will give the other four copies back to you. **Keep all the papers the clerk gives you.** You will need them later.
4. Give the paperwork to the other parent.
You must give the other parent (or other party) a copy of the paperwork **at least 9 weekdays before the hearing date**. This is called “serving” the other party. You can serve the other party by mailing one copy of the paperwork by first-class mail. Complete the “Certificate of Mailing” blanks that are on the remaining three copies of the motion. It may take several months before the court issues a new order, but state law does allow the court to lower your support amount as of the date you “serve” the other party.

5. Return to the county clerk.

Once you have mailed the paperwork and filled out the Certificate of Mailing on the remaining three copies, bring two of the copies to the county clerk's office. Keep one copy for yourself.

6. Attend the hearing.

You will need to bring a new Uniform Child Support Order (Form FOC 52) with you to the hearing. Also, bring any supporting papers you have and any witnesses who are willing to testify. Form FOC 52 has more information about the hearing and courtroom etiquette.

7. File the court order.

Complete the Uniform Child Support Order (FOC 52) using information that the judge tells you at the hearing. Make **5 copies** and file them with the clerk. You may either attend a hearing to get the order signed (use Notice of Hearing to Enter Order form FOC 53) or send a letter to the other party stating that the order will be given to the judge to sign and that the party has 7 days to file objections (use Notice to Enter Order without Hearing form FOC 54). If the other party does not object, the judge will sign the order without holding a hearing.

Will support be taken out of my unemployment check?

Yes. The Michigan Unemployment Insurance Agency and the Michigan Child Support Enforcement System work together to make sure support is going to the children while you are unemployed. If support is **not** being taken from your unemployment check automatically, **you need to keep making your child support payments** through the Michigan State Disbursement Unit (MiSDU). A listing of MiSDU contact numbers by county can be found at <https://www.misdu.com/secure/GeneralInformation/IVRPhoneNumbers.aspx>. You can also pay online at <https://www.misdu.com/secure/Payments.aspx>.

I decided to stop working. Do I still have to pay child support?

If you voluntarily decide to stop working or to work fewer hours, the court may calculate your child support payments based on what you *could* earn if you were fully employed. This is called "imputed income." The court will look at many factors, including:

- Past employment history.
- Education level and special skills or training.
- Physical and mental disabilities.
- Availability.
- Jobs available in the area.
- Wage rates in the area.
- Diligence in seeking employment.
- The presence of children in the home.
- Ability to earn.