

Changing a Child Support Order in Your State

 The information below applies only to Michigan

1. How can I find out if I have a “IV-D” child support case in this state?

Contact the Office of Child Support (OCS) to determine if there is a IV-d child support case. OCS contact information: 517-373-9202; P.O. Box 30478, Lansing, MI 48909, or

<http://www.michigan.gov/childsupport>

If there is a case, OCS will provide the parent with the address and phone number of the Friend of the Court (FOC) office who has jurisdiction. The FOC can provide the amount of the order and date of modification.

2. How can I contact my child support agency?

OCS contact information: 517-373-9202; P.O. Box 30478, Lansing, MI 48909, or <http://www.michigan.gov/childsupport>

Local county friend of the court contact information is available at <http://courts.mi.gov/self-help/directories/pages/county-friends-of-the-court.aspx>.

3. If I am incarcerated, are there any barriers to having my order changed?

Generally, no, but parents incarcerated for crimes related to failing to pay-support may not be entitled to any modification for periods of incarceration. An incarcerated parent affirmatively shown to have income or assets to make support payments can be required to pay support during periods of incarceration.

4. Do you provide any materials online that I can use to ask for a change to my child support order?

Self-help resources on changing a child support order are available here: <http://courts.mi.gov/Self-help/center/casetype/Pages/SupportSH.aspx>

Instructions and the motion to modify form are here, and attached: <http://courts.mi.gov/Administration/SCAO/Forms/courtforms/domesticrelations/support/foc50.pdf>

5. Do you have any printed materials I could read to learn more about child support for parents who are incarcerated?

No.

6. When can I ask to have my order changed?

A parent petitioning for modification must show a substantial change in circumstances (generally changing the amount by at least 10% and more than \$50). Incarceration without income or assets to pay support may be considered as a sufficient change to allow modification.

You may request that the FOC office that handles your case conduct a review of the amount. The FOC office must complete a review and make a recommendation when notified that a parent is incarcerated for 12 months or more, or at the parent's request if the office has not completed a review based on that parent's request in the last 36 months.

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7. How do I request the change?

There are two processes generally used to modify a support order. 1) A parent can petition the court to request changing the support order. Either using an attorney or by self-representation, a petition is filed with the court and a hearing scheduled; or 2) A support payer or recipient can also request in writing that the FOC office review the existing order. Grounds for requesting a review include changed financial conditions, incarceration, change of custody, and the individual has not requested a review within 36 months.

8. What is the process after I've asked to have my order changed, and how long does it take?

If the request is made via petition to the court, at the hearing, the judge or referee hears the evidence concerning the parent's ability to pay and decides on the appropriate amount of support. A petition and hearing generally will take 45 to 90 days to complete.

If the request is made to the FOC office, the FOC office should determine whether to conduct a review in 2-4 weeks. If the FOC office determines that it must review a case, it will send a notice requesting information from the parties. Once the information is returned the office will make a recommendation and send a notice concerning the change. Parties have 21 days to object to the recommendation, or the court will enter an order that follows the proposed recommendation. A review can take up to 180 days.

9. Is this process different if the other parent agrees to the change in advance?

If both parents agree, some FOC offices will prepare a stipulated order. Otherwise, the parties can submit a stipulated order to the court for entry. Stipulations to amounts that do not follow the guideline must clearly indicate that they are deviations and contain several statutory factors.

10. Does it cost anything to try to have my order changed?

Unless waived (due to indigence), to file a motion to modify support parties must pay a \$20 motion fee and \$40 order entry fee.

11. If I am incarcerated, do I need to do anything else to have my order changed?

An incarcerated parent requesting a review has to submit a request to the FOC notifying them that the parent is incarcerated for more than 12 months.

Reviews requested on other grounds should also mention that the parent is incarcerated and provide contact information.

An incarcerated parent filing a motion should indicate that they are incarcerated and request to participate in the hearing by teleconference.

12. If I am incarcerated, does my state have any programs to help me with child support?

No.

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13. Can I get help with child support questions from other sources?

The Michigan Department of Corrections has modification forms and instructions available in many facility libraries.

Self-help website with links to related laws and forms <http://courts.mi.gov/Self-help/center/casetype/Pages/SupportSH.aspx>

Michigan Legal Help - <http://www.michiganlegalhelp.org/self-help-tools/family/automated-online-motion-regarding-support-forms>

14. Is there anything else I should know about trying to change my order?

No.



The federal Office of Child Support Enforcement prepared this guide; however, your local child support agency can provide the most current information. This guide does not have any binding legal authority and does not constitute legal advice. You may wish to consult a lawyer before using the forms or information provided.



Changing a Child Support Order - Self Help

The following information will take you through the steps in a proceeding to change a support order. These instructions apply generally to all circuit courts and friend of the court offices, but there can be differences in local practice. For information about these local practices, contact the court and the friend of the court office in the county where you are going to file your motion. Online help is also available from Michigan Legal Help to prepare forms through an automated interview process and to provide toolkits with legal articles, FAQs, procedure, and other resources.

Statutes, Court Rules, and Other Resources

Statutes and court rules associated with support proceedings are the Friend of the Court Act, Support and Parenting Time Enforcement Act, and Michigan Court Rule 2.119, and Subchapter 3.200 of the Michigan Court Rules. In addition to the statutes and court rules, see the Michigan Child Support Formula.

Using Court Forms

Court forms are available for use in changing support orders. These forms follow the procedures stated in the Michigan Compiled Laws and Michigan Court Rules and can be used without the assistance of an attorney. Instructions for completing and using the forms are included.

When completing a form online, you must print the number of copies you will need for filing with the court and serving on the parties. See the upper right-hand corner of each form for this information. If you do not provide the court with the correct number of copies, the court might reject the form for nonconformance under the authority of Michigan Court Rule 8.119(C). Unless specifically required by court rule or statute, the court is not responsible for making copies of forms for you.

How to Begin Your Request

To request a change in your support order, you must file a motion with the circuit court where your case exists. You are the "moving party." The other party is referred to as the "respondent" in this Self-Help Center. Select the form you need based on the situation described below and follow the instructions for completing and processing provided with each form. You must state adequate facts and details in your motion.

- If your existing support order is an "ex parte order" (a temporary order entered without a hearing), use the Objection to Ex parte Order and Motion to Modify or Rescind.
- If your existing support order was entered after a hearing, use the Motion Regarding Support.

The cost of filing a motion is \$20.00. The moving party is responsible for paying the filing fee and any other required fees. If you cannot afford to pay the motion fee, you can ask the court to waive or suspend the fees by completing and filing a Waiver / Suspension of Fees/Costs (form MC 20).

Serving the Motion to Change Support

After you have filed your motion, you must notify the respondent that you have filed a motion to change support and the date to be in court. Serve the motion on the respondent by first class mail to the last known address of the respondent. Follow the instructions on the forms to make sure you serve the court papers as required. See also MCR 2.107 and MCR 3.203 for service requirements. See general information about service.

FIND YOUR COURT

[Trial Court Directory](#)
[County Friend of the Court](#)

FORMS FOR CHANGING AN EX PARTE CHILD SUPPORT ORDER

[Objection to Ex Parte Order](#)

[Notice of Hearing](#)

[Order Modifying or Rescinding Ex Parte Order](#)

FORMS FOR CHANGING A CHILD SUPPORT

[Motion](#)

[Response to Motion](#)

[Notice of Hearing to Enter Order](#)

[Notice to Enter Order without Hearing](#)

[Objection to Referee's Recommended Order](#)

[Objection to Proposed Order](#)

[Uniform Support Order](#)

[Uniform Support Order – No Friend of Court Services](#)

[Instructions for Uniform Support Orders](#)

What if You Get a Motion to Change Support

If you are served with a motion to change support, you are the "respondent." You must appear and answer the motion by the date on the notice of hearing. You can appear and answer by either: 1) filing a written reply or motion and serving the moving party with that reply or motion; or 2) orally answering each allegation in the motion at the hearing. You have the right to be represented by an attorney.

If you do not appear and answer and there is proof in the court file that the motion was served on you, the court may continue without your presence. This means the judge can grant a change in support as requested by the moving party without hearing from you. Even if you and the moving party agreed to the change in support, and the motion states what you agreed to, you should still respond to the motion.

Preparing for the Hearing

On the hearing date, any of the following may happen:

- If both the moving party and the respondent appear, the court may recommend that the parties go to mediation and the case may be adjourned. If either party does not want to attempt mediation, the hearing will proceed. See MCR 3.216 for information about domestic relations mediation.
- If the moving party does not appear and the respondent does, the motion may be dismissed, and the court may assess costs against the moving party.
- If the respondent does not appear and the moving party does, the hearing may be held and the court may grant the moving party's request if the court decides the moving party has presented sufficient grounds for a change in support.

When you go to court for a hearing, take with you all the evidence you believe proves your case. This might include reports that support your facts or reasons, photographs, and other information. Any witnesses you would like to speak on your behalf should appear in court as well. See general information about hearings for directions on getting witnesses to appear.

The Hearing

The hearing will usually take place at the court where the motion was filed. It is important to be there on time; if you filed the motion and are not in court when your case is called, the motion may be dismissed. If you are the respondent and are not in court when the case is called, the hearing may continue without your presence. Bring all of your relevant papers or other evidence and make sure your witnesses are on time.

A support motion will be heard by a judge or a referee. The hearing will be recorded. The court clerk will call the case and both the moving party and the respondent will appear before the judge or referee.

The judge or referee will ask the moving party to state the facts and law in support of the motion. When the moving party has finished, the respondent will have an opportunity to respond. Each party should listen carefully. If either party thinks someone is leaving something out or is misstating facts, they should be sure to tell the judge or referee. Both parties should take their time and tell what happened in their own words and why they think the court should order what they seek.

The moving party will be seeking the relief requested in the motion, while the respondent may ask the court to grant the relief requested, grant some other form of relief, or dismiss the motion altogether. Each party may present evidence to support his or her argument. Witnesses will be allowed to tell the court about facts they know that support this evidence. See general information about hearings. See also MCR 3.210 for information about domestic relations hearings.

Support Order

If the hearing was held before a referee, a recommended order will be prepared by the referee within 21 days after the hearing. This recommendation will be served on the parties. If you do not agree with the referee's recommendation, you have 21 days after being served with the recommendation to file an objection and to request a de novo hearing before the judge. Use the Objection to Referee's Recommended Order, form FOC 68. See MCR 3.215 for information about domestic relations referees.

If the hearing was held before a judge, the judge will ask one of the parties to prepare the order. This is usually the person who was successful in arguing the motion. This person is called the "prevailing party." The prevailing party prepares the order after the hearing (form FOC 10/52 or FOC 10a/52a) after the hearing. The order must then be signed by the judge.

Some courts may require the order to be approved by the friend of the court before the judge will sign it. Call the friend of the court office and ask them if they must approve the order before the court will enter it. After the order is completed, approved as necessary, and signed by the judge, the moving party must file it with the clerk of the court. It will cost \$40.00 to have the support order processed by the clerk of the court. If the order is not filed, it does not become effective.

Both parties are required obey the order. If you do not obey the order, the other party can file a motion to order you into court to explain why you shouldn't be held in contempt for violating the order.

See MCR 3.211 for more information about domestic relations orders.

Serving the Order

Unless the hearing was held before a referee, the prevailing party must serve the signed order on the other party after it is filed with the clerk of the court. If you do not serve the other party with a copy of the order, you may have trouble getting the order enforced. Serve the order by first-class mail to the last known address of the other party. Follow the instructions on the forms to make sure you serve the court papers as required. See also MCR 2.107 and MCR 3.203 for service requirements. See general information about service.

Enforcing the Order

The friend of the court is required to enforce child support unless you have opted not to receive friend of the court services. The law says that when an arrearage is equal to or greater than 1 month of support, the friend of the court must initiate enforcement proceedings. See MCL 552.511. In addition, Michigan Court Rule 3.208(B) requires the friend of the court to enforce support provisions of the court's orders. These provisions may be enforced under the Friend of the Court Act or the Support and Parenting Time Enforcement Act. You may also want to review the Michigan Child Support Formula Manual.

Form FOC 50

MOTION REGARDING SUPPORT

Use this form if:

- you have a pending case for divorce, separate maintenance, paternity, or family support; or
- you have a judgment of divorce or separate maintenance or an order of filiation but support was not included; or
- you already have support orders in your judgment of divorce or separate maintenance, your order of filiation, or your order of family support **and** you want the court to change support.

MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all necessary copies? YES
3. Pay the motion fee to the clerk? YES
4. Mail (serve) a copy of the motion on the other party and on any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? YES
5. Return to the clerk's office **after** you mailed the motion and notice of hearing to the other party and completed the certificate of mailing? YES
6. Keep one copy of the motion and notice of hearing form for yourself? YES
7. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, a hearing on your motion may be delayed or your motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the support you want. **Note:** Regardless of the amount of support you ask for, the court is required to use the Child Support Formula in deciding what support should be, unless the court finds that using the formula would be unjust or inappropriate.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

INSTRUCTIONS FOR USING FORM FOC 50 FILING A MOTION AND SERVING A MOTION

»» FILING A MOTION

1. Fill out the Motion form.

Use the instructions on page 6. Be careful not to make mistakes.

Before filling out the “Notice of Hearing” part of the form, contact the friend of the court office to find out whom to contact about getting a hearing date. Then contact the person or office as directed by the friend of the court office. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge or referee who will be hearing the motion.

Make at least five copies of the form and any attachments after you have filled it out.

2. File the Motion form with the county clerk.

Take the original and five copies of the form to the county clerk in the county where your case is located.

You must pay a \$20.00 motion fee. If you can't afford to pay the motion fee, ask the county clerk for an Affidavit and Order, Suspension of Fees/Costs (form MC 20 not included in this packet) to fill out. You may also be required to pay a \$40.00 judgment and order entry fee when the motion is filed.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the motion and any attachments for the court file and the friend of the court. Then the clerk will return four copies and any remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- One copy of FOC 50 (with any attachments) - for you
- One copy of FOC 50 (with any attachments) - for other party
- One copy of FOC 50 - for proof of service to the court
- One copy of FOC 50 - for proof of service to the friend of the court

»» SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the Motion and Notice of Hearing on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the motion and hearing date at least 9 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 50 (with any attachments) - for the other party

Two copies of FOC 50 - for proof of service

Any additional copies of FOC 50 (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail one copy with attachments to the other party. If there is a custodian or guardian, mail one copy and the attachments to them. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the motion and notice of hearing and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

3. Response from other party.

If you receive a response to your motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf.

4. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring the original and five copies of the Order Regarding Support (form FOC 10/52) with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee or judge to know. The information should relate to the reasons stated in your motion. You can use this list as a reminder to bring up the points you think are important.
3. If you think you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Arrive there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.

5. If you are responsible for preparing the order, bring all copies of your order form.
6. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
7. When your case is called, be prepared to state:
 - 1) your name.
 - 2) that you are representing yourself.
 - 3) that you need a support order or a change in a support order.
 - 4) the facts or reasons for your request (**bring papers showing your income such as pay stubs, W-2 forms, income tax forms, etc.**).
 - 5) why you believe this order would be in the best interests of the child(ren) .
 - 6) whether you have witnesses in court who are willing to testify.

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

8. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
9. After the judge or referee makes a decision, follow the instructions in the packet for FOC 10/52, "Order Regarding Child Support." You are responsible for preparing the order even if you do not get what you are asking.

NOTE: If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo hearing before the judge. Use the packet FOC 68, "Objection to Referee's Recommended Order."

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING SUPPORT"

Please print neatly. After filling in the form, you will need to make at least five copies of the form.

Items A through K must be completed before your motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Before you fill in the Case No., get your court papers for divorce, separate maintenance, paternity, or family support and copy the Case No. from those court papers onto this form.
- B** Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from these court papers onto this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this motion form.
- You are the "moving party." Once you have written the names where they belong, you must check the box "moving party" in the same box as your name.
- C** **Check only one box.** If you have a judgment or order for divorce, separate maintenance, paternity, or family support, read it carefully to find out if there is any information in it about support. If there is information about support, check box a. If there is no information about support, check box b.
- D** - **F** Check these boxes only if you checked box a. in **C** above. Read your court papers for divorce, separate maintenance, paternity, or family support to find out who was ordered to pay support, child care, and health care; how much; and how often. Write this information here.
- G** Check this box only if you checked box a. in **C** above **and** conditions have changed that require a change in support. **Explain in** as much **detail** as possible what has happened. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- H** Check this box if you and the other party have agreed to start support or make changes in the support. **Explain in** as much **detail** as possible what you have agreed on. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to copies of this form.
- I** You need to **explain in** as much **detail** as possible what you want the court to order. If you checked **H** above, check the box "Same as 6. above." Otherwise, write in the details. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to copies of this form.
- J** Write in today's date and sign your name. Now contact the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.
- K** Once you get a hearing scheduled, fill in the full name of the judge or referee who will be hearing this motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.
- Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you.
 - Read page 3 of this booklet for details on mailing this form to the other party.
- L** On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies.
- Return to the county clerk with two copies. See page 4 of this booklet for details.

You must read this booklet for directions on the legal process.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING SUPPORT

(A) CASE NO.

Court address

Court telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

(C) 1. a. On _____ a judgment
Date

or order was entered regarding support.

b. There is currently no order regarding support.

(D) 2. The plaintiff defendant is ordered to pay support of \$ _____ each _____ .
week, month, etc.

(E) 3. The plaintiff defendant is ordered to pay child care of \$ _____ each _____ .
week, month, etc.

(F) 4. The plaintiff defendant is ordered to pay health care of \$ _____ each _____ .
week, month, etc.

(G) 5. Conditions regarding support have changed as follows:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(H) 6. _____ and I have agreed to support as follows:
Name
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 7. I ask the court to order that support be paid as follows: See 6. above for details.
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) _____
Date Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____
Judge/Referee

(K) on _____ at _____ at _____ .
Date Time Location

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

NOTE: If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FOC 51.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this motion and notice of hearing on the parties or their attorneys by first-class mail addressed to the last-known addresses as defined in MCR 3.203.

(L) _____
Date Moving party's signature