

SUPPORT FAQ

- **What is a “support order”?**
- **How do I get a court order regarding child support?**
- **How is child support determined?**
- **Will the prosecutor’s office help me in obtaining a child custody order of parenting time (visitation) order?**
- **The parent responsible for paying support (the “payer”) has stopped paying. What can be done?**
- **The parent responsible for paying child support has moved to another state. What do I do?**
- **You keep mentioning the “Friend of the Court”? What is the “Friend of the Court”?**

What is a “support order”?

A support order means any order entered by the Circuit Court which requires the payment of money for child support, spousal support (alimony), medical, dental and other health care expenses, child care expenses, and educational expenses.

How do I get a court order regarding child support?

Support orders can be obtained under at least four different public acts: (1) The Paternity Act, (2) The Family Support Act, (3) The Emancipation Act, or (4) The Divorce Act.

A Complaint or Petition requesting an Order of Support must be filed in the Family Division of the Circuit Court. If both parties (as well as the Judge and Friend of the Court) agree on the amount of support, an order may be quickly entered. If the parties cannot agree, you can consult with a lawyer or contact your county DHS Support Specialist for help.

You do not have to be on public assistance to request help from the DHS Office of Child Support. The DHS Office of Child Support can refer a support case to the Prosecuting Attorney, who can file an action in the Family Division of the Circuit Court under one of the first three acts mentioned in the preceding paragraph. If you are going to or have filed for divorce, the Prosecuting Attorney generally cannot help you in obtaining a child support order.

The DHS Office of Child Support is located in Lansing, Michigan and can be contacted by calling (866)540-0008 or (866)661-0005.

Once the support order has been entered, if the parents get back together and decide to end the family support order, they must contact their lawyer or the Friend of the Court to stop the support order. It is not sufficient to just notify the DHS case worker or the Prosecutor’s Office. If the custodial parent of the child is the recipient of public assistance, child support payments may not be stopped just because the parents agree to end the support order.

How is child support determined?

Child support is set by a formula in the Michigan Child Support Guidelines. This formula considers both parents’ income, the number of children and their custodial arrangements. A child’s health care costs, educational expenses and child care expenses may also be included in the child support order.

You may obtain a copy of the Michigan Child Support Guidelines by contacting:

Department of Management and Budget
Office Services Division / Publications Section
7461 Crowner Drive
Lansing, Michigan 48913
Ph: (517) 322-1899

Will the prosecutor’s office help me in obtaining a child custody order of parenting time (visitation) order?

In most circumstances, the Prosecuting Attorney cannot help you with these issues. If either parent wants to obtain a custody or parenting time order, they should contact their caseworker in the Friend of the Court office or hire a lawyer.

The parent responsible for paying support (the “payer”) has stopped paying. What can be done?

The Friend of the Court is responsible for enforcing payment orders and collecting delinquencies. You may hire a lawyer to file an enforcement action as well. There are several options to collect on delinquent child support orders, including the following: income withholding orders, show cause hearings (civil contempt hearings held with the Judge who issued the support order), tax fund intercepts, and liens on the payer’s property.

An important note: Orders for parenting time (visitation) and support, while they may be included in the same court order, are enforceable separately from each other. Therefore, if you are not being paid the support monies to which you believe you are entitled under the support order, you may not withhold parenting time (visitation) from the delinquent payer simply because you are not receiving the support monies. In this situation, contact your case worker at the Friend of the Court.

It is also possible that a parent, who is obligated to support a child and fails to follow the order of a court to do so, may be subject to criminal prosecution. This is an extreme step, usually taken only when all other options to get the payer to pay have been exhausted. You should talk to your case worker at the Friend of the Court office to see if this option can be used.

The parent responsible for paying child support has moved to another state. What do I do?

The parent responsible for paying child support must continue to pay support through the Friend of the Court, even if he or she leaves this state. If child support payments stop, the parent who is owed the money has several options:

- Contact a lawyer or the DHS to request an action under the Uniform Interstate Family Support Act (UIFSA). A UIFSA order establishes a support order in the state where the payer lives. If you go through the DHS, they will send a referral to the Prosecuting Attorney to start a UIFSA action. If the payer’s location is unknown, the DHS or the Prosecuting Attorney may be able to help find him or her. Under UIFSA, the state where the payer lives then is responsible for collecting on and enforcing a child support order against the payer. Since each state has control over its orders, the amount of support ordered may be different than your Michigan order. That does not affect the amount owed under the Michigan order. A delinquent payer who returns to Michigan can be brought before a Michigan court for failure to pay the full amount under the Michigan order.
- Register the Michigan order in the other state where the payer lives. The Friend of the Court or a lawyer can help you do this. Once registered, it becomes an order of that state’s court, and is enforced by that other state. [NOTE: In some states, registering the support order requires registering the custody and parenting time orders, which will give the other state’s court the power to change the terms of the support, custody or parenting time orders, if asked.]
- Request the Friend of the Court to arrange for the Michigan court to send an interstate income withholding order, if the name and address of the payer’s source of income are known.
- Talk to your case worker at the Friend of the Court office about any of the above options or other options that could be considered.

You keep mentioning the “Friend of the Court”? What is the “Friend of the Court”?

The Friend of the Court is a part of the Family Division of the Circuit Court. Each county has a Friend of the Court office. The Friend of the Court is not a division of the Prosecuting Attorney’s office. The Friend of the Court is responsible for :

- Investigating, reporting and making recommendations to the Circuit Court on custody, parenting time and the amount of child support;
- Providing mediation sessions to resolve child custody and parenting time disagreements;
- Collecting, recording and sending out all support payments ordered by the court; and
- Initiating enforcement of all custody, support and parenting time orders entered by the court.

How do I contact the Otsego County Friend of the Court?

The Otsego County Friend of the Court office is located at 800 Livingston Blvd, Ste 1C, Gaylord, MI 49735. Their telephone number is 989-731-7450.