

12 - FOC - It's Important to Know Your Rights

One of a parent's most important responsibilities is providing financial support for his or her child. If you are paying or receiving child support, you have the right to ask for a review of the support amount. Michigan law provides that a support review request may be made once every 24 months for Michigan child support orders. The review is conducted by the Friend of the Court.

The following information provides answers to the most frequently asked questions regarding support review and modification.

How can I change my child support order?

There are two ways to change a child support order: ask the Friend of the Court to review and modify the order or file a motion for the court to change the support order immediately.

- Ask the Friend of the Court to review and modify the order.

The Friend of the Court may review the amount of the support order to determine if the court should be asked to change it. To start a review, write to the Friend of the Court and ask for a review. You may only ask for a review once each 24 months. When the Friend of the Court reviews the support amount and determines that it should be changed, the friend of the court must file a motion to modify the support amount and obtain a hearing date. The Friend of the Court's review and motion, and the court's hearing, must be completed within 180 days of when the Friend of the Court determines a review is required.

- File your own motion to ask the court to change support immediately. This may be done by either method listed below:

Contact the friend of the court office that has your case and ask for a **support modification forms packet** that you can file with the court. This packet is commonly referred to as a "do-it-yourself" forms packet, also called a "pro per" or "pro se" packet; or

Contact an attorney to assist you.

Parties to a domestic relations case may file a motion for modification any time a change of circumstances occurs. When you file your own motion, you must prove to the court that support should be changed. The court may penalize a party who files a motion without having a good legal reason.

What happens when the Friend of the Court reviews support?

When the Friend of the Court reviews support, it notifies the parents that it is conducting a review and asks both parents for proof of income. The Friend of the Court uses the Michigan Child Support Formula to find the support amount based on the parents incomes. The Friend of Court must use this formula to calculate support, although it may recommend that support be set at a different amount if it determines that support should not be based on the parents' actual incomes or that use of the formula would be unjust or inappropriate.

The Friend of the Court notifies the parties when it finishes determining whether support should be increased, decreased, or stay the same. When the Friend of the Court recommends an increase or decrease, it must file a motion asking the court to change the support amount. Notice of a proposed change must be provided to the parties at least 30 days before a hearing is held to change the support.

What do I do if I have been ordered to pay child support and I lose my job or earn less money?

The law requires you to write to the Friend of the Court stating that your financial circumstances have changed. If you want your support amount changed, you may also want to use one the of the options described above to begin a support review. Remember that you remain responsible for paying the old support amount until the court decides to change that amount.

When the court orders an increase or decrease in my child support order, is it permanent?

Either party or the Friend of the Court may file a motion to change support any time there is a significant change in circumstances. The support amount remains the same until the court orders a different amount.

What can I do if I disagree with the amount of support recommended by the Friend of the Court?

If the Friend of the Court recommends that the support amount stay the same, you can write to the Friend of the Court and ask it to schedule a court hearing to decide whether support should change. If you disagree with the amount of increase or decrease the

Friend of the Court recommends, you should follow the instructions you receive from the Friend of the Court concerning a support hearing. At a support hearing you can tell the court what you think support should be and provide information to the court to justify your reasons.

If both parents agree to a change in the support order, do we have to go to court?

Some Friend of the Court offices will help parties prepare an agreement to have the court enter a new order. After both parties sign the agreement, it is presented to the court for its approval. If your Friend of the Court does not help parties prepare their own agreements, one parent will have to file a motion with the court to get a change in the support order.

What can be included in the support order?

In addition to an amount to provide for the regular weekly expenses of a child, Michigan law requires a child support order to include an amount for the child's medical/health care expenses, and allows the order to include an amount for child care and educational expenses. If support is not paid on time, an 8% annual surcharge on the past due amount is included as additional support owed.