

SUPPORT MODIFICATION FAQ SHEET

HOW CAN MY SUPPORT BE MODIFIED?

Only by modifying your court order:

- 1) By the use of a **pro per motion** which can be obtained at the Friend of the Court (the process may take one to three months to have an order entered).
- 2) By requesting a **support review** through the Friend of the Court, which could take at least 90 days to have an order entered. Each party may request a review once every three years, unless there is a material change in circumstances (loss of job, etc).
- 3) By using an **attorney** of your choice

If your **financial situation changes**, you should immediately **file a motion** for a change in the support amount. The court may adjust the support amount back to the date that the motion was filed. Simply notifying the Friend of the Court of a change in either party's financial situation does not change the court order.

HOW DOES THE COURT DETERMINE YOUR AMOUNT OF SUPPORT?

The Court is required to use the **Michigan Child Support Guidelines Formula** to set support. To purchase a copy of the guidelines you may **send \$5 check or money order (made payable to State of Michigan)** to, **Department of Management and Budget, Office Services Division, Publications Section, PO Box 30026, Lansing MI 48913** or there could be a copy at your local library, or on web site
<http://courts.michigan.gov/scao/services/focb/focb.htm>

THINGS TO KNOW ABOUT THE GUIDELINE/FORMULA

- 1) The Michigan Child Support Guidelines take into consideration the incomes of both parents, which includes, but not limited to, salaries, overtime, premiums, and bonuses from all employers including military pay, workers compensation, as well as other income such as rental income, interest and dividends. The Formula does not, however, consider “means tested” income such as Family Independence Agency payments or Supplemental Security Income (SSI)
- 2) A current spouses income is not considered under the Child Support Formula. In Michigan, a current spouse who is not a parent has no obligation to support your child.
- 3) If a party voluntarily reduces or eliminates income, the Court may base the ordered support on that party’s ability to earn (this is known as “imputing” income).
- 4) The Michigan Child Support Formula allows for a number of adjustments, including child care expenses, other children in the home, other support obligations, and mandatory deductions from income (such as mandatory retirement withholdings).

WHEN WILL A CHANGE IN SUPPORT BECOME EFFECTIVE?

Absent an agreement of the parties, the Court can not change the amount of support before the date that the other party was served with the motion to change the support order. Therefore, it is important that you file a motion and have the other party served as soon as there is a change in circumstances.

The purpose of this document is to provide you with general answers to frequently asked questions. It is not intended as either legal advice or to be all inclusive. Legal questions should be directed to an attorney of your choice.

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