

Understanding Child Support – A Handbook for Parents

Michigan Office of Child Support

Child support definitions

Every child needs financial and emotional support. Every child has the right to support from both parents. Even when parents do not live together, it is important they work together to support their child. With the involvement of both parents, children get the chance they need and deserve to reach their full potential.

This handbook gives you general information about child support in Michigan.

Before you begin, here is a list of definitions that will help you with this handbook:

Child support:

The payment of money for a child that is ordered by the circuit court. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

Civil contempt of court:

Not doing what the court has ordered you to do.

Custodial party:

The person who has the primary care, custody and responsibility of a minor child.

Disbursement:

Paying out of collected child support funds.

Intergovernmental:

Used to describe a case in which the child and non-custodial parent live in different states, countries, or Tribal nations.

Paternity:

Fatherhood; a legal father for a child.

Paternity establishment:

A procedure to confirm a legal father of a child born to an unmarried woman. Paternity may be established voluntarily by signing a paternity affidavit, by requesting genetic testing, or by entering a court order.

Minor child:

A person under the age of 18 years.

Non-custodial parent:

Parent not living with the minor child. When the minor child lives part-time with both parents, the non-custodial parent is the parent who spends fewer overnights with the child.

Payer:

Parent who owes or pays child support.

Public assistance:

Cash assistance (Family Independence Program [FIP]), Child Development and Care (CDC), Food Assistance Program (FAP), Medicaid, or foster care.

What is child support?

Child support is money a parent pays to help meet his/her child's needs when the parent is not living with the child. The court orders the support. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and school expenses. The support may be part of a court order in a(n):

- Divorce.
- Paternity action.
- Child custody action.
- Family support action.
- Intergovernmental action.

Parents or custodians who want help in establishing, collecting or paying child support may apply for IV-D child support services.

What is "IV-D"?

Title IV-D (pronounced *four-dee*) of the Social Security Act created the child support program and set the rules that all states' child support programs must follow. Often, the child support program is referred to as the "Title IV-D program" or the "IV-D program." Parents and custodians can receive help in establishing and enforcing child support and medical support through the IV-D program. There may be court fees applied to the case after a child support order is established.

Who can receive child support?

A person can receive child support if all of the following apply:

- (S)he is the parent of a minor child or is the person who has responsibility for a minor child.
- The minor child lives in the person's home.
- The minor child is financially dependent on that person.
- One or both of the minor child's parents do not live with the minor child.
- The court has ordered a child support payment.

Under Title IV-D of the Social Security Act (IV-D program), what child support services are available?

Services provided by Michigan's child support program include:

- Locating parents.
- Establishing paternity.
- Establishing court orders for child support, medical support and child care expenses.
- Changing (modifying) court orders when appropriate.
- Enforcing court orders for child support, medical support and child care expenses.
- Working with other states, countries, and Tribal nations to establish and/or enforce support when one parent does not live in Michigan or has assets in another state.
- Collecting and processing child support payments.

What child support services are *not* available in the IV-D program?

Michigan's child support program does **not** provide:

- Divorce assistance.
- Spousal maintenance (alimony) order establishment.
- Enforcement of spousal support if there is no child support in the order.
- Legal advice or counsel.
- Custody and parenting time assistance.

Contact your Friend of the Court for additional information.

How does the Michigan child support program work?

The Office of Child Support, the Prosecuting Attorney's office, and the Friend of the Court office work together to help families through the Michigan child support program.

The child support program helps families become or remain self-sufficient. By working with both parents to establish and enforce support orders, Michigan's child support program helps a child receive financial support, medical support, and help with child care expenses.

Office of Child Support

The Michigan Office of Child Support is part of the Michigan Department of Health and Human Services (MDHHS). Child support specialists in the Office of Child Support assist families by:

- Helping to locate a non-custodial parent.
- Providing information about voluntary paternity establishment.
- Making a referral to the Prosecuting Attorney to establish paternity and/or obtain a support order.
- Referring an existing support order to the Friend of the Court for enforcement.
- Helping decide what action to take in an intergovernmental case.

If you get public assistance, you may be contacted by the Office of Child Support for a review of what services your family needs.

Prosecuting Attorney's Office

The Prosecuting Attorney's office establishes paternity and court orders for support and helps locate non-custodial parents. You may be asked to appear at the Prosecuting Attorney's office to begin a child support action.

Friend of the Court Office

The Friend of the Court office:

- Enforces support orders.
- Modifies orders.
- Registers Michigan orders in other states, countries, or Tribal nations.
- Starts income withholding.
- Helps locate non-custodial parents.

How can I apply for IV-D child support services?

If you are a mother or father of a minor child, or have responsibility for the care of a minor child, you can apply for child support services through the Office of Child Support in one of three ways:

- **Apply online.** Go to www.michigan.gov/michildsupport and complete the online application. This is the quickest and easiest way to apply for child support services.
- **Complete a paper application.** Go to the Forms and Publications section on www.michigan.gov/ChildSupport to print the *IV-D Child Support Services Application/Referral* (DHS-1201). You may send the completed application or a written request for child support services to:

**Michigan Office of Child Support
Central Operations
PO Box 30744
Lansing, MI 48909-8244**

Or you may send the completed application or a written request for child support services to your local MDHHS office, Prosecuting Attorney's office, or Friend of the Court office.

- **Call the toll-free number.** When you call, request the application for services, or ask for general child support information: **866-540-0008**.

After I apply, what else must I do?

You need to take an active role in your case. Cooperation with the child support program improves the chances of getting an appropriate support order. The child support program cannot succeed without your help.

You will need to provide your Social Security number to the child support program to get services for the establishment of paternity and the establishment, modification, and enforcement of child support orders. Providing your Social Security number to the child support program is required by federal law (Social Security Act, 42 United States Code (USC) 666(a)(13)).

You must report changes that may affect your case. You must report when:

- You or the other parent moves.
- You or the other parent gets a new phone number.
- You or the other parent gets a new job.
- The number of children living with you changes.
- You have new information that might help locate the other parent.
- You have new information about health care coverage.
- You apply for public assistance.
- You are involved in other court actions involving support payments (for example, a divorce action).

What if I am receiving public assistance?

Your MDHHS worker will refer you for child support services when **all** of the following apply:

- You are receiving public assistance (including cash, food, day care, or medical assistance).
- You have a minor child in your home.
- One or both of the parents do not live with the child.

You will receive a letter about the child support program from the Office of Child Support. You must follow the steps on the letter. To continue receiving your full public assistance benefits, you must cooperate with the Office of Child Support, the Prosecuting Attorney's office, and the Friend of the Court.

If I receive public assistance, must I cooperate with the child support program?

Yes, you must cooperate with child support activities unless you have an approved good cause claim (see below). If you do **not** cooperate with child support actions, your MDHHS benefits may be lowered and your eligibility may end for cash, food, day care, or medical assistance. Contact your MDHHS worker for more information about how your program eligibility may be affected.

How do I claim good cause if I have a valid reason not to cooperate with the child support program?

MDHHS will **not** require you to pursue paternity or child support under specific circumstances. You are eligible to claim good cause for not cooperating to get child support when there is danger of physical or emotional harm to you or your child. To claim good cause, contact your MDHHS worker, discuss your circumstances, and ask to complete the *Claim of Good Cause* form (DHS-2168). You may be asked to provide proof regarding your request.

If I fear for my or my child(ren)'s safety, what kind of protections can the child support program provide me?

The child support program has certain protections in place for victims of family violence so that the child support program can still obtain a support order for the children and collect support for the family. If you claim family violence on your case and provide supporting documentation, the child support program will:

- Keep your addresses confidential and will not print them on any forms that the child support program mails or sends. This includes your home address, your employer address, the children's address and school address.
- Ask you for a different address to be used for any mail that is sent to you. This may be another residential address in which you feel it is safe to receive mail.
- Keep your Social Security number, driver's license number and telephone number confidential.

However, the child support program cannot protect you from the other party's knowledge that you are receiving IV-D child support services. The child support program will send information to the other party about the program's attempts to obtain a support order and payments. This will not include your addresses, Social Security number, driver's license number or telephone number. IV-D services are voluntary, and you may choose to decline IV-D services based on your situation.

If you are on public assistance and are required to cooperate with the child support program, you must continue to cooperate with child support activities unless you have an approved good cause claim.

Who receives the money from support payments?

If the family has never received public assistance benefits, all support payments go to the family.

If the family is receiving public assistance benefits, all support payments go to the state. (Unpaid amounts for this period are due to the state even after the family goes off assistance.) If the state receives more in support payments than what it has paid to the family in total benefits, the state pays the family the difference.

If the family is not currently receiving temporary assistance benefits but received them in the past, the current month's support goes to the family. If there is money left, it goes to either the family or the state: if past-due support is owed to the family, the family gets its share first. The state gets its share only after the family receives its past-due support.

NOTE: Under federal law, if money is owed to the state and if the state takes a non-custodial parent's federal income tax refund, the state gets its share of the refund first.

If I apply for child support services, do I have any rights?

Yes, you have the right to:

- Receive fair and nondiscriminatory treatment.
- Have all your private data treated confidentially.
- Be notified of all important actions concerning your case.
- Participate in any court action involving your case.
- Ask for reviews and changes to your support order.

What must be done before I can get a child support order?

Identify both parents who are responsible for the child

Every child has both a biological mother and a biological father. The biological father is the man whose sperm joined the mother's egg to create the baby. The legal father may not be the biological father. The legal father is the man the law recognizes as the father of the child.

When a married couple has a child, the law automatically recognizes the husband as the child's legal father.

When an unmarried woman has a child, an official action is needed to establish the legal father of the child. This official action is called "paternity establishment."

Paternity can be established in the following ways:

- If a child is born to an unmarried mother, she and the man claiming to be the father can sign an *Affidavit of Parentage* form to legally establish the father's legal rights.
- A court can determine the legal father of the child.

Genetic testing may be done to determine the biological father of a child. A man claiming to be the father may want proof that he is the biological father of the child before he is named the legal father. In that case, he may request genetic testing. This testing may show that the man is **not** the biological father of the child, or it may show greater than 99 percent likelihood that the man is the father.

Once legal parents have been identified, an order for child support can be established.

It is important to establish the legal father of a child

Establishing paternity gives a child born outside of marriage the same legal rights as a child born to married parents. A child with a legal father is entitled to benefits through the father. These benefits include Social Security benefits, veterans' benefits, and inheritance rights. Children may also benefit by knowing their family's biological, cultural, and medical history.

The child support program may assist either parent in establishing paternity for a child who does not have a legal father. Paternity must be established before the court can order child support.

Work with the Prosecuting Attorney's office to start a case

After you speak to a child support specialist, a Prosecuting Attorney in your county will contact you and ask you to provide information, complete a questionnaire, and schedule an interview in his/her office. You must attend this interview to assist the Prosecuting Attorney with the filing of your case and to remain cooperative with the child support program. If you are receiving public assistance benefits, failure to cooperate with the Prosecuting Attorney's office could result in the reduction or termination of your benefits. When you go to the Prosecuting Attorney's office, bring copies of documents, such as:

- Driver's license or other valid photo identification.
- Proof of residency if the address on the photo identification is not accurate.
- Social Security card.
- Marriage certificate and/or a Judgment of Divorce.
- Birth certificate or a verification of birth for the child(ren).
- Proof of income (pay stubs, tax returns, Social Security Income, etc.).
- Child support orders from other states.
- Photo of the non-custodial parent.

Locate both parents responsible for the child

To obtain a child support order, the Prosecuting Attorney's office must notify the parties (most often the legal parents) that it is trying to establish an order. In some cases, no court action can be taken if one of the parents cannot be located.

If the Prosecuting Attorney's office does not know the location of the people involved in the court action, they will work to find them. Providing the Prosecuting Attorney's office with any information you have will help them establish support for the child(ren).

How are support orders established?

The Office of Child Support (usually through the Prosecuting Attorney) or a parent may ask the court to issue a support order. The court generally orders the non-custodial parent to provide support for the child who is living with the other parent. The court sets the amount of child support, medical support, and child care support a parent must provide.

How is the amount of child support determined?

In Michigan, the amount of child support is determined using the guidelines established by the Supreme Court. Child support guidelines are based on the monthly net income of both parents and the time the child spends with each parent.

The court reviews child support agreements to make sure the guidelines are applied correctly and the child support amount is appropriate. In some cases, the court may decide not to use the guidelines to determine the amount of child support.

For more information, see the *Michigan Child Support Formula Manual* available from the State Court Administrative Office (SCAO), or on the SCAO website at www.courts.mi.gov/administration/scao/officesprograms/foc/pages/child-support-formula.aspx.

What other types of support can be ordered?

In addition to cash child support, there are two other types of support that can be ordered: medical support and child care expenses.

Medical support

Michigan law states that the court must order one or both parents to get health care coverage (health insurance) that is available to them at a reasonable cost. The support order defines “reasonable cost.” Generally, insurance is considered reasonable if the cost to enroll the children does not exceed 5 percent of the providing parent’s gross income. The court may set a dollar limit on what a parent has to spend for the cost of health insurance. The court may also order one or both parents to pay for health care expenses not covered by insurance.

Child care expenses

The court may include an amount covering work-related child care expenses when the child is less than 12 years old. Work-related child care expenses are those that allow the parent to look for employment, keep paid employment, or to enroll in and attend an educational program that improves employment opportunities. Using each parent’s income, the court decides the amount for this expense.

How do I make a child support payment?

The Michigan State Disbursement Unit (MiSDU) is responsible for the receipt and disbursement of child support payments in Michigan. Child support payments must be sent to the MiSDU.

What are my payment options?

If you are the payer in a child support order, child support may be deducted from your income. This is called income withholding. Income withholding is mostly done by employers. Employers will send the withholdings directly to the MiSDU. If you do not have income withholding, you have many payment options:

- Check.
- Money order.
- Cashier’s check.
- Certified check.
- Credit card: MasterCard, Discover, American Express, Visa.
- Debit card (must have the MasterCard or Visa logo).
- Online at www.misdu.com.
- Phone at 877-543-2660.
- Western Union.
- PayNearMe locations.

Payments must be sent to:

**Michigan State Disbursement Unit
PO Box 30351
Lansing, MI 48909-7851**

How do I contact the MiSDU for more information?

You can contact the MiSDU by calling your local Friend of the Court IVR (interactive voice response) number at 877-543-2660 and following the prompts to the MiSDU.

The MiSDU customer services staff are available Monday through Friday from 7:30 a.m. to 6 p.m., excluding holidays.

For more information about the MiSDU, go to www.misdu.com.

How is child support paid to me?

It is important that families receive their child support payments as quickly as possible. Any delay can quickly and seriously threaten a family’s budget. For this reason, states are required to disburse most payments within two days of their receipt. Every state has a State Disbursement Unit (SDU)—a single office to receive and send out payments for child support. In Michigan, the MiSDU is required by law to send child support payments electronically. For additional information about how child support collections are applied to each child support order and then distributed, check out the *Allocation and Distribution of Support Payments* (DHS-446) document in the Forms and Publications section at www.michigan.gov/ChildSupport.

What does electronic disbursement of child support mean?

Electronic disbursement of child support means that the custodial party receives payments either through direct deposit to a personal checking or savings bank account, or to a debit card. This is a specific debit card used for child support payments only. It comes from a bank that works with the MiSDU for this purpose. The custodial party can choose which option (s)he wants. Electronic payment provides custodial parties with a safe and easy method for receiving payments.

What is the debit card?

The debit card is issued by a bank. Each time child support payments are collected, the MiSDU electronically deposits them to the debit card. Debit cardholders cannot add additional funds to the debit card.

Are there any exceptions to receiving child support electronically?

Yes. The law allows some custodial parties to continue receiving support payments by check. Special exceptions are given to people for whom it would be too difficult to access electronic payments. This includes people with a mental or physical disability, or a language or literacy barrier.

In addition, people with both home and work addresses that are more than 30 miles from an automated teller machine (ATM) or their financial institution may receive support payments by check. If you think you meet any of these special exceptions, contact the MiSDU.

What happens when a parent doesn't pay child support?

The Friend of the Court is responsible for enforcing a support order. Below are some ways the Friend of the Court may enforce a child support order when a parent fails to pay.

Income withholding

Most child support orders require "immediate" income withholding for cash support. "Immediate" means that the child support payment is withheld as soon as the court order is entered and sent to the payer's source of income. The Friend of the Court office sends the income withholding notice (IWN) to the source of income. Sources of income for withholding include:

- Employers.
- Social Security.
- Unemployment compensation.
- Workers' compensation.

The source of income must send the payer's child support payment directly to the MiSDU. Michigan law permits a source of income to charge the payer a small fee for withholding.

The IWN may also require that support be withheld from any bonus, commissions, or severance pay issued by a source of income.

Tax refund intercept

The child support program may collect support from a payer's federal and/or state income tax refund. To be eligible to have his/her federal tax refund taken, the payer must owe at least \$150 in past-due support to the state or owe at least \$500 in past-due support to the family. The payer must owe at least \$150 (to the state or the family) to be eligible to have his/her state tax refund taken.

Intercepted federal tax refunds will apply first to any past-due child support owed to the state. This is because the family is currently receiving cash assistance or has received cash assistance in the past. If the family has never received cash assistance, or there is no past-due support owed to the state, then all collections from the federal tax refund offset will be applied to past-due support owed to the family. If all past-due support owed to the family is paid, excess amounts withheld from the non-custodial parent's federal tax refund will be returned to the non-custodial parent.

Intercepted state tax refunds will apply to all child support obligations as if the intercept were an extra payment directly from the payer. This means that, unlike intercepted federal tax refunds, current support will be paid first, then past-due support owed to the family, then any past-due support owed to the state. Any intercepted amount above the amount of past-due support will be refunded back to the non-custodial parent.

If the payer files a joint federal income tax return, the payer's spouse has the right to file an injured spouse claim with the Internal Revenue Service (IRS) for his/her portion of the refund. The payer's spouse may file a claim before or after the child support program receives the refund. Because the child support program may return all or a portion of the refund to the IRS for an injured spouse claim, the child support program must hold all intercepts received from joint federal tax returns for six months before disbursing them to the custodial party. The payer's spouse must file an injured spouse claim against a joint state tax return with Michigan's Department of Treasury within 30 days of filing the return. The Department of Treasury will prorate the intercept before sending it to the MiSDU. The child support program does **not** hold the intercept received from a state income tax refund before disbursement.

Consumer (credit bureau) reporting

The Friend of the Court must report to a consumer reporting agency (credit bureau) the past-due amount for each payer with two or more months of unpaid support. Lenders will often obtain a person's credit report from a consumer reporting agency when deciding whether to approve a loan or other credit to the person. If the credit report shows a history of untimely support payments or a large past-due amount, the lender may deny the person a loan or other credit.

Civil contempt of court (show cause) hearing

If support is not paid on time, the Friend of the Court or a party to the court order may begin a civil contempt action (known as a "show cause" hearing) by filing papers requiring the payer to appear in court.

If the court finds the payer in civil contempt, the court may require a payment toward child support or send the person to jail. If it appears to the court that the payer may go to jail, the court must provide an attorney for a payer who cannot afford a private attorney.

If a payer does not appear for a "show cause" hearing, the judge may order a bench warrant for the payer's arrest so that (s)he may be brought before the court. The judge may also order one or more of the following:

- Enforcement methods such as liens, passport denial, license suspension, or a vehicle boot.
- Participation in a parenting program, a work program, or counseling for drugs, alcohol, or other issues.
- Requirement to find employment.
- Compliance with a current support order, a parenting time order, or a payment plan for past-due support.

Liens

A lien is a claim against real or personal property that can be used to pay a debt. Liens restrict the property owner's ability to transfer property until the debt has been paid.

If a parent is over two months behind in his/her child support payments, a lien can be placed on his/her property, including bank accounts and insurance settlements. That property can then be seized and used to pay the payer's past-due child support.

Passport denial

The U.S. State Department reviews passport applications to see if past-due child support is owed. Passport applications may be denied if non-custodial parents:

- Are at least \$2,500 past-due in their child support obligations.
- Are not making payments agreed upon in a payment plan.

License suspension

Driver's licenses, occupational licenses and recreational/sporting licenses may be suspended for non-custodial parents who:

- Are at least two months behind in paying their child support obligations.
- Are not making payments agreed upon in a payment plan.
- Fail to appear for a show cause hearing.

An occupational license from a state, county, or municipal board or agency is required for some occupations, professions, or vocations (for example, electricians, realtors, barbers, plumbers). Recreational and sporting licenses include licenses for hunting, fur harvesting, or non-commercial fishing.

What happens when one parent does not live in Michigan?

The most difficult cases to enforce are those in which the parents live in different states or countries. However, all states must provide child support services regardless of where the other parent lives. For example, when a custodial party lives in another state, Michigan collects child support from the non-custodial parent and sends the support to the other state. Federal law requires states to work together to establish and enforce a child support order.

When the non-custodial parent lives in another country, Michigan may be able to still provide child support services. Agreements have been reached with several other countries to work together in child support matters.

You make a difference!

As you work with the child support program to establish a financial partnership in support of your child, remember that not all solutions to child support problems are within your control. The legal rights of all parties must be protected. Sometimes the laws that protect the rights of one parent may seem unfair to the other.

The more you know about Michigan's child support program, the better you will be able to exercise your rights and responsibilities under the law, and the more successful you will be in providing support to your child.

Need more information?

To learn more about the child support program in Michigan, call **866-540-0008** or go to the Michigan Child Support website at www.michigan.gov/ChildSupport.

To apply for child support services, view information about your existing child support case, or create a support calculation, go to the MiChildSupport website at www.michigan.gov/michildsupport.

To learn more about child support payments or to make a payment, go to the Michigan State Disbursement Unit (MiSDU) website at www.misdu.com.

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