

WILL I LEAVE PRISON IN DEBT?

What You Need to Know about Paying Child Support in Michigan if You Are Incarcerated

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This publication is not intended to replace the advice of an attorney.
Because laws and procedures can change and because every individual situation is different, the authors
cannot be responsible for any use to which this information is put.

Introduction

This brochure is designed to help incarcerated parents deal with child support issues by filing motions to modify support. As a prisoner, child support might seem like the least of your worries. But if you don't deal with your child support issues now, you'll end up owing a lot of back support when you are released. The sooner you deal with your child support problems, the better off you'll be.

I'm Locked Up Already. Why Should I Care If I Get Behind on My Child Support?

If you have an existing court order requiring you to pay support, and you do not pay the support or modify the support order, the amount you owe will continue to add up while you are in prison. This means that you will owe back support. Once you leave prison, you will be required not only to make any current support payments you owe, but you will also have to make payments towards your back support. Unless you do something about your child support order now, you could leave prison owing child support for the entire time you are incarcerated, plus interest and fees.

On average, prisoners owe almost \$28,000 in child support! Don't let that happen to you.

If you don't deal with your child support issues, any of the following can happen:

- Once you are released, your wages will be garnished to pay back support. The garnishment might be as high as 65% of your wages.
- Surcharges and fees will accumulate, and can easily double or triple the amount you owe.
- You may not be able to get out of debt for the rest of your life, because you owe so much back support.
- You can be taken to court on a show cause for failing to pay support. If you miss your show cause hearing, a bench warrant will be issued. You can be jailed for contempt.
- You can lose your driver's license or occupational license.
- Your property, such as your car, bank account, or home, can be seized to pay your back support.
- You can be prosecuted for non-support, and you could end up right back in prison.

I Don't Have Any Money to Pay Support While I'm in Prison. What Should I Do?

How much child support you have to pay depends on how much you are able to pay. While there is a complicated formula to determine exactly how much you should pay, in general the more money you make, the more support you pay. The less money you

make, the less support you pay. How much you need to pay will depend on whether you are earning income while you are locked up, as well as on whether you have other assets or income outside of prison. As a general rule, incarcerated parents who do not have outside income (such as a pension), who do not have significant prison income, and who do not have other assets, will be required to pay little or no child support **while incarcerated**. See *Pierce v. Pierce*, 162 Mich. App. 367 (1987).

There are two different ways to get your child support changed:

1. Notify the Friend of the Court that you are incarcerated and ask them to modify your support.
2. File a motion to modify your support.

The amount you are required to pay for child support will not be reduced unless you either notify the Friend of the Court or file a motion to modify your support.

In general it is to your advantage to **both** notify the Friend of the Court and file a motion. ***At a minimum you should notify the Friend of the Court that you are incarcerated and ask them to modify your support.*** This is easy to do. However, it can take a long time for the Friend of the Court to complete the support review. You will be responsible for any child support that accumulates while you are waiting for the Friend of the Court to do the review.

Filing a motion is more work than sending a letter to the Friend of the Court. But the date on which you serve your motion on the other party is the date from which your support will get changed. ***Thus, in most cases you will end up owing less support if you file a motion in addition to requesting a support review.***

How Do I Notify the Friend of the Court That I'm Locked Up?

Fill in and send the letter in Appendix A. If you have multiple cases in the same county, make sure to list all of the cases. If you have cases in several different counties, you must send a separate letter to each county's Friend of the Court. Make sure to fill in your case number, your prisoner number, and the name of the other party in your case. You can find a list of Friend of the Court addresses in Appendix D. Make sure to keep a copy of the letter for your records.

Once you request that the Friend of the Court modify your support, the Friend of the Court will start a support review. The Friend of the Court has 180 days to change your child support order. In practice, it may take the Friend of the Court longer than 180 days to complete the modification process.

You will probably receive papers from the Friend of the Court asking for information about your income and assets. ***You must provide the Friend of the Court all of the information that it requests or your support amount will not be changed.***

How Do I File a Motion to Modify My Support?

Forms and instructions for completing a Prisoner Motion to Modify Support are included in Appendix B. It is important to file your motion as soon as possible.

I've Got A Lot Going On Right Now. Can I Wait to File My Motion Until Later?

No. You should file your motion to modify support as soon as possible. If you don't file a motion with the Court to ask for a change in child support because you are incarcerated, you will continue to be charged child support at the same rate as before you were locked up. This can add up really quickly. ***Even if you have already accumulated an arrearage while in prison, you should file a motion to change your support as soon as possible.*** See Appendix E for an example of how much money you can save by filing your motion.

If you do not have the ability to file a motion now, you should at least notify the Friend of the Court that you are incarcerated by mailing in the letter in Appendix A.

Can't I Just File a Motion When I Get Out and Explain to the Judge that I Couldn't Pay Because I was in Prison?

No. Child support ordinarily can only be changed for the future, not for the past. Even though prisoners who don't have income or assets aren't usually required to pay support, once back support is owed, the court cannot just get rid of that debt. In other words, even if you can later prove to the court that you were locked up and therefore couldn't afford to pay your child support, the court cannot wipe out the amount of back support you owe. See *McLaughlin v. McLaughlin*, 255 Mich. App. 475 (2003).

I Want To File a Motion to Reduce My Child Support, but I Can't Go to Court Because I'm Locked Up. Can I Participate from Prison?

Yes. Under MCR 2.004, a party who is incarcerated under the jurisdiction of the Michigan Department of Corrections is entitled to participate via telephone in

domestic relations actions involving minor children, which includes child support proceedings. (MCR 2.004 does not apply to prisoners who are under the jurisdiction of another state's correctional system. See *In re Davis*, 2004 Mich. App. LEXIS 2625 (2004)). You should file a "Notice of Telephonic Hearing Pursuant to MCR 2.004." The form is attached. The court will then issue an order requesting the Department of Corrections to allow you to participate by telephone or video hook-up. If your child support order comes from Kent, Ingham or Wayne Counties, you may be able to participate in the Prisoner Support Adjustment Project, which will assist you in getting a hearing in your case. If your case is in one of those counties, and if you are selected to participate in the Prisoner Support Adjustment Project, you will receive materials directly from the Prisoner Support Adjustment Project.

I've Got A Couple of Kids By a Couple of Different People in a Couple of Different Places. Do I have to File A Separate Motion for Each Child?

Yes, you must file separate motions for each court case. However, if you have multiple children by the same person, those children are likely to be on the same court case. For example, if you have one kid with Amanda and two kids with Cindy, you should first check to see if both of Cindy's kids are on the same court case. If they are, you will need to file one motion in the case with Amanda and one motion in the case with Cindy.

I Don't Know The Address of the Other Parent. Do I Have to Send Him or Her a Copy of My Motion?

Yes, you must send a copy to the other parent or the court will not hear your motion. Moreover, the court will only change your support from the date you provided notice of your motion to the other parent. See MCL 552.603. If you file your motion, but do not serve the other party until later, the date you serve the other party is the date from which your support will be changed. Thus even if the Court does not hear your motion for a couple of months, your child support should get changed back to the date of service on the other party, as long as you have proof that you served the other party. (This proof is the "certificate of mailing" included in Appendix B.)

If you do not know the other party's address, check with friends or family who might know how to locate him or her. Look on any recent paperwork you received from the Court or the Friend of the Court to see if the address is listed. If you still can't find the address, then contact the Friend of the Court in the county where your case is, or write to the Central Functions Unit, Office of Child Support, P.O. Box 30478, Lansing, MI 48909. A list of Friend of the Court offices is attached to this packet. When writing to the Central Functions Unit or to the Friend of the Court, makes sure to explain that you need the other party's address in order to file a motion to change your child support. If you just ask for the address without explaining why you need, the Friend of the Court cannot give it to you.

In some cases, the other party's address will be confidential, and therefore the Friend of the Court will not give it to you. If the Friend of the Court will not give you the address or if you get no response when asking for the address, send the other party's copies to the Friend of the Court and ask the Friend of the Court to forward it to the other party. If you send the other party's paperwork to the Friend of the Court, make sure you list the address for the other party as "care of the Friend of the Court" on all of the paperwork.

My Child Doesn't Live With the Other Parent. To Whom Do I Send My Motion?

Your child may be living with a grandparent, aunt, uncle, or other person. Whether your child support payments go to that person depends in part on whether that person has gotten custody of or a guardianship over your child. You must provide copies of the motion to the person who actually has your children if that person has a guardianship or custody. If you are unsure about whom to serve, serve the other parent, the person with whom the child lives, and any other person you think may have gotten a guardianship or custody over the child.

I Didn't Know I Was Supposed to File a Motion When I First Got Locked Up. What Can I Do Now About all the Back Support I Owe?

Many incarcerated parents do not know that they need to file motions to modify support as soon as they get locked up. If you did not file such a motion right away, you may already owe a lot of back support.

The first step is to find out to whom the child support is owed. In most cases, your back child support will be owed either to the custodial parent or to the State of Michigan. Child support is owed to the State of Michigan if the other parent was receiving welfare. Sometimes support will be owed to another person, such as the child's guardian. You should write to the Friend of the Court and ask for a break-down of how much support you owe to the other parent, to the State of Michigan, or to any other person.

1. If You Owe Support to the Other Parent or Another Person

If you owe back support to the custodial parent or to another person, such as the child's guardian, it may be possible to come to an agreement with that person about wiping out the back support you owe. It is up to the person to whom the support is owed to decide whether he or she wants to forgive the back support. If you get along with that person, and that person understands why it is impossible for you to pay support while you are locked up, that person might agree to forgive all the back support you owe. Or, you might be able to make a deal. For example, you could agree to give the custodial parent your car if the custodial parent forgives the arrears. But be careful! Sometimes a custodial parent will

offer to forgive support if you give up your parental rights. Legally, giving up your parental rights will not end your obligation to pay child support unless the child is adopted by someone else. You can still be made responsible for child support even if you no longer have any rights to the child.

You must get your agreement in writing and you must file it with the court for it to be valid. Once you and the other person have agreed on the terms, use the sample agreement that is attached at the end of this packet in Appendix C to write up your agreement. Get the agreement notarized. You should have both your signature and the other parent's signature notarized. Make five copies. Send the original and three copies to the court. Send one copy to the other parent. Keep one copy for your records. The court will return two copies of the final order (signed by the judge) to you. Keep one of those copies and send the other copy to the other parent.

If you cannot get the other parent to agree to forgive your back child support, you should contact the Friend of the Court and see if they will, for the future, suspend the surcharge that accrues on the back support you owe the other parent.

2. *If You Owe Support to the State of Michigan*

If you owe support to the State of Michigan, the custodial parent won't be able to forgive the support you owe. Therefore, if you owe support to the State of Michigan, you need to contact the Friend of the Court to see if they can assist you to reduce your back support, modify your payments, or suspend the surcharge that accrues on back support. You should write to the Friend of the Court office in the county which has jurisdiction over your case. If you have documents from the Friend of the Court showing that your case is being handled by a particular person, write directly to that person. Make sure to keep copies of all of your letters. In addition, it is important to provide all of the information that the Friend of the Court needs. Make sure you have copies of all of your documents showing for how long you have been incarcerated, and how much – if anything – you earn in prison.

3. *Repayment Plans*

An individual who owes back child support can enter a repayment plan. See MCL 552.603d. If the person pays off a reasonable portion of the arrearage over a reasonable period of time, the court can remove the rest of the arrearage. The repayment plan requires regular payments for a period of two years or more. Because it can be difficult to make regular payments from prison and because the steps required to set up a payment are fairly complicated, it is usually not a good idea to start a repayment plan while you are incarcerated. However, once you are released and have a stable job, you should contact your Friend of the Court office or an attorney to find out about a repayment plan.

I'm Worried That If I File to Reduce My Child Support, My Parental Rights will be Terminated. What Should I Do?

If you are involved in a parental rights termination case, one of the factors the court will consider is whether or not you have been paying support. While the court will consider many different factors, a failure to pay child support will hurt your case.

Filing a motion to reduce your child support payments generally looks better to the court than having a huge unpaid support amount. In considering non-support in relation to parental rights termination, courts are supposed to consider whether you have the ability to pay support. You won't look like a good parent if you have a high support amount that you can't pay, which leaves you owing a lot of back support. In general, therefore, modifying support looks better than simply not paying. However, if you are currently engaged in a parental rights termination case, consult with your attorney before filing a motion to reduce your support payments.

Because non-support is a factor in parental rights terminations, if you can afford it, you should send money to your children on a regular basis. Sending even a small amount of money to your children – so long as you do it regularly – will help to prevent termination of your rights. For example, if you earn \$20 a month, you may want to ask that your support be adjusted so that you pay \$5 a month. Or you may simply want to send \$5 each month. Even if the support you provide is very small, making regular payments shows that you are a committed parent. The fact that you make regular payments is probably more important than how much money you send. You should always keep records of all the payments you make, as well as of any gifts you send.

If you are worried about losing your kids, but you don't have the money to send even small regular payments, make sure to support your kids in other ways. For example, write and call your children regularly. Keep a record of your contacts, so that, if anyone ever tries to terminate your parental rights, you can prove that you've been there for your kids. If your family cannot afford to take your calls, check with your facility about buying a pre-paid phone card so that you can make the calls yourself.

I'm Still Confused. Where Can I Get Help?

Ask for assistance from your law librarian. You can also get assistance from other prisoner through a "legal assistance agreement." Legal assistance agreements are covered by PD 05.03.116.

How Do I File a Motion to Change Child Support?

- Fill in the “Prisoner Motion to Modify Support” (FOC 109) and the “Prisoner Information Addendum” (FOC 110). These forms are attached to this packet. You will also need a copy of your prisoner account statement.
- In addition, if you and the other party have both agreed to change your support, you must complete the Uniform Child Support Order (Form FOC10/52). This form is attached to this packet. Do not use this form unless you have come to an agreement with the other party.
- There is a fee of \$20 to file your motion. If you cannot afford the fee, complete the Prisoner Affidavit and Order for Suspension of Fees/Costs (FOC111). The form and instructions are attached to this packet.
- On the “Notice of Hearing and Request for Prisoner Participation in Court Proceedings (FOC 112), fill in the top three boxes with the plaintiff’s name, defendant’s name, and facility information. Do not fill in any other information on this form.
- On the date you are going to mail everything, fill out the “Certificate of Mailing” which is attached to this packet. On the “Certificate of Mailing” mark off each document that you are filing. Fill in the name and address of the other party.
- Make three copies of all of the forms, so that you have four complete sets of these papers. Keep one copy for your records. If you cannot afford to pay for copies, go to the library at your facility and ask for a copy loan. Under MDOC’s Policy Directive 05.03.115, copy loans are available for indigent prisoners to make legal copies.
- Mail the originals and one set of copies to the court. (The court will send the extra copy to the Friend of the Court.)
- Mail the last set of copies to the other party.
- After you file your motion, the court will issue an order requesting that the correctional facility where you are located allow you to participate by telephone. As each court handles these motions somewhat differently, make sure you follow the instructions you receive for participation in the court hearing very carefully.

What if the Court Won’t Accept My Motion?

The forms attached to this packet are specifically designed for use by incarcerated parents who are bringing child support motions. However, these forms have only been approved by the State Court Administrative Office for use in the Prisoner Support Adjustment Project, which is a special project to assist prisoners with child support cases in Wayne, Kent and Ingham counties. In addition, the Prisoner Support Adjustment Project has made arrangements with certain courts for video hook-ups. Other courts may be unwilling to accept the forms developed for the Prison Support Adjustment Project or may be unwilling or unable to provide a video hook-up. If the court does not accept the Prisoner Motion to Modify Support (FOC 109), file your motion again using the standard “Motion Regarding Support” (FOC 50). If you need a

fee waiver, and the court does not accept the “Prisoner Affidavit and Order for Suspension of Fees” (FOC 111), use the standard “Affidavit and Order for Suspension of Fees” (MC 20). You can get copies of these forms from your law library or by writing to Prisoner Legal Services of Michigan. If you want to participate in the hearing by phone or video and the court has rejected your “Notice of Hearing and Request for Prisoner Participation” (FOC 112), write a letter to the judge asking to participate in the hearing.

Original - Court
1st copy – Plaintiff
2nd copy – Defendant
3rd copy – Friend of the Court

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STATE OF MICHIGAN JUDICIAL
CIRCUIT COUNTY

CASE NO.

PRISONER MOTION TO MODIFY SUPPORT
IN PRO PER

Court address
Plaintiff's name, address, and telephone no.

Court telephone no.

Moving party

v

Defendant's name, address, and telephone no.

Moving party

Third party's name, address, and telephone no.

- 1 The most recent court order for child support is dated. _____ [month, day, and year]
- 2 I am ordered to pay \$ _____ every _____ [week, month, etc.]
- 3 Conditions as to the child support have changed, and due to my incarceration, I cannot pay the amount ordered.
- 4 Attached is a completed Prisoner Information Addendum and a prisoner account statement listing my income and assets.
5. I REQUEST that the court enter
 - a. an order that changes my child support to an appropriate amount based on my ability to pay while I am in prison as well as after my release. I also request that the court allow my participation in the hearing on this motion by telephone or other electronically reliable means as permitted by MCR 3.210(A)(4) or 3.215(D)(3).
 - b. the attached Uniform Child Support Order agreed to by me and . _____
name of other party

Date

Signature

NOTE: If you are the non-moving party, you can respond to this motion without an attorney by completing form FOC 51 and filing it with the court. Contact the friend of the court office to request the form.

PRISONER MOTION TO MODIFY SUPPORT

Complete this form by filling in all of the following information. Use your court papers from your child support case to complete the top half of the form.

If you don't have your court papers, you may request the information you need to complete this form by writing to either the friend of the court in the county where your case was originally filed or to Central Functions Unit, Office of Child Support, P.O. Box 30478, Lansing, MI 48909. Make sure you ask for the plaintiff and defendant names, the court case number, the name of the court, the court address, and the court telephone number.

Starting in the left-hand corner of the form:

- Write in the judicial circuit number and the county name.
- If you are filing the forms without the help of an attorney, check the "In Pro Per" box under the title of the form.
- Write in the case number.
- Write in the court address and telephone number.
- Write in the plaintiff name and defendant name only. Just because you are requesting a change does not make you the plaintiff. The person that started the original case is the plaintiff.
- Since you are requesting a change in your child support, check the box that says "moving party" next to your name.
- Do not fill in the plaintiff or defendant addresses or any 3rd party information - the court will do this.
- In item 1, write in the date of the most recent court order setting your current child support amount. Write "unknown" if you don't know the information requested.
- In item 2, write in the total amount you were ordered to pay (add together the current support, child care, and health care amounts) and how often you were to pay it (every week or every monthly). Write "unknown" in each blank for which you don't know the information requested.
- Check box 5a if you and the other party do not both agree to a change in child support. If you check this box, do not check box 5b. If you already owe back support, write in: "I am also requesting that, while I am incarcerated, the court suspend the surcharge on any back support that I owe."
- Check box 5b and write in the name of the other party if you and the other party have both agreed to a change in child support and the Uniform Child Support Order (form FOC 10/52) has been completed and signed by both of you. Make sure the order is filled in properly, especially the listing of the child support amount agreed upon by you and the other party. Attach the completed and signed Uniform Child Support Order to this motion.
- Date and sign this form.
- File this form with the court along with a completed Prisoner Affidavit and Order for Suspension of Fees/Costs (form FOC 111).

Attach a completed Prisoner Information Addendum (form FOC 110) and a copy of your prisoner account statement.

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STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

PRISONER AFFIDAVIT AND ORDER
FOR SUSPENSION OF FEES/COSTS
IN PRO PER

CASE NO.

Court address

Court telephone

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

I, [your name], _____
Prisoner name Prison offender number

1. I am currently incarcerated and have no income have a reduced income and a limited ability to earn income.
2. I am unable to pay the fees and costs of this action because of indigence and ask the court to suspend them.
3. I understand that the court may order me to repay the fees and costs if the reason for the waiver or suspension no longer exists.

(You must sign the affidavit in the presence of a notary)

Prisoner signature

Subscribed and sworn to before me on _____, 200_ in _____ County, Michigan
My commission expires:

Signature
Notary public, State of Michigan, County of _____

ORDER

IT IS ORDERED:

- The fees and costs required in this action are waived/suspended until further order of the court.
- This application is denied. (The Order is completed by the court)

_____ Date

_____ Judge

PRISONER AFFIDAVIT AND ORDER FOR SUSPENSION OF FEES/COSTS

Complete this form by filling in all of the following information. Use your court papers from your child support case to complete the top half of the form.

If you don't have your court papers, you may request the information you need to complete this form by writing to either the friend of the court in the county where your case was originally filed or to Central Functions Unit, Office of Child Support, P.O. Box 30478, Lansing, MI 48909. Make sure you ask for the plaintiff and defendant names, the court case number, the name of the court, the court address, and the court telephone number.

Starting in the left-hand corner of the form:

- Write in the judicial circuit number and the county name.
- If you are filing the forms without the help of an attorney, check the "In Pro Per" box under the title of the form.
- Write in the case number.
- Write in the court address and telephone number.
- Write in the plaintiff name and defendant name only. Just because you are requesting a change does not make you the plaintiff. The person that started the original case is the plaintiff.
- Do not fill in the plaintiff or defendant addresses - the court will do this.
- Under the Affidavit, write in your name and your prisoner offender number.
- In item 1, check the box that applies to you - check only one box.
- Take this form to a notary public so that the notary can see you sign the form. Your counselor or ARUM can assist you with this.
- After the notary takes your oath, sign the form. After you sign the form, the notary will date and sign under your name.

* Attach this form to your Prisoner Motion to Modify Support (form FOC 109). The court will complete the Order.

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STATE OF MICHIGAN JUDICIAL
CIRCUIT COUNTY

NOTICE OF HEARING AND REQUEST
FOR PRISONER PARTICIPATION IN
COURT PROCEEDINGS

CASE NO.

Court address

Court telephone

Plaintiff's name

Attorney:

v

Defendant's name

Attorney:

Facility name, address, and telephone no.

A hearing will be held on a motion filed by: [Prisoner name Prison offender number]

Date:

Time:

Place:

Judge/Referee:

Bar no.

Referee

TO: The warden or supervisor of the facility where the prisoner is presently located.

- 1 You are requested to place a hold on the prisoner until the conclusion of this hearing.
- 2 You are requested to allow this prisoner to participate with the court in this hearing through telephone or video-conference.
- 3 The court will contact you on the specified date and time to initiate this hearing.
- 4 After receiving the court's contact call, the Department of Corrections is requested to facilitate the hearing by contacting at .

Name of court contact Telephone number

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this notice of hearing and the Prisoner Motion to Modify Support to the parties by first class mail addressed to their last known addresses as defined in MCR 3.203 and to the warden or supervisor of the facility where the prisoner is incarcerated.

Date

Signature

PRISONER INFORMATION ADDENDUM

Plaintiff's name

v

Defendant's name

Attorney:

Attorney:

GENERAL INFORMATION

Full name (last, first)	Date of birth	Offender number	Sex (optional) M F	Race (optional)
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Last address before incarceration

Date current sentence started	Earliest release date	Contacted the friend of the court to modify child support during this period of my incarceration. - If yes, date of contact: _____ - No
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Dependent children in this case (name(s) and date(s) of birth) Also check whether incarcerated for a crime against any of your children. Yes No 1.

2.

3.

4.

INCOME/ASSET, WORK, AND EXPENSE INFORMATION

Employed by Name of employer Prison at \$ _____ week _____ at \$ _____ hour for _____ hours per pay period

Other income sources: \$ _____ profit sharing \$ _____ interest \$ _____ dividends \$ _____ royalties \$ _____ annuities \$ _____ pension \$ _____ deferred compensation \$ _____ trust fund \$ _____ rental income \$ _____ Individual retirement account \$ _____

Bank accounts \$ _____ checking \$ savings \$ _____	Land (estimated value of all land) \$ _____
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Vehicles (estimated value and type of vehicle) \$ \$ _____ \$

Name and address of last employer

Dates of employed by above employer from: _____ to: _____	Reason for leaving above employer
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Earnings paid by above employer each pay period before taxes \$ _____ every _____	Medical conditions that affect ability to work (specify)
---	--

Educational level Less than high school High school graduate/GED Trade school Associate degree Bachelor degree Graduate degree

Child/Spousal support orders from other cases Case number City County State \$ _____ every \$ _____ every \$ _____ every \$ _____ every \$ _____ every

Rent \$ _____ every _____	Vehicle payment \$ _____ every _____	Mortgage payment \$ _____ every _____	Other \$ _____ every _____
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INFORMATION AS TO CHILD'S CUSTODIAN (if known)

Full name of custodian (last, first)	Date of birth of custodian
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Last known address of custodian	Last known telephone number of custodian
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The child's custodian has a "no contact" or personal protection order against me Yes No	I was convicted of domestic violence or sexual assault related crimes against this child's custodian Yes No
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I declare that the statements above are true to the best of my information, knowledge, and belief.

_____ Date _____ Signature

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 1) <input type="checkbox"/> MODIFICATION	CASE NO.
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Court address	FAX no.	Court phone no.
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Plaintiff's name, address, and telephone no.	v	Defendant's name, address, and telephone no.
Plaintiff's attorney name, address, telephone no., and bar no.		Defendant's attorney name, address, telephone no., and bar no.
Plaintiff's source of income name, address, and telephone no.		Defendant's source of income name, address, and telephone no.

Defendant's name, address, and telephone no.
Defendant's attorney name, address, telephone no., and bar no.
Defendant's source of income name, address, and telephone no.

Unless otherwise ordered:

1. This order continues until each child is age 18 or graduates from high school, as provided in MCL 552.605b, whichever is later, but no longer than age 19½. Child care for each child terminates effective September 1 following each child's 12th birthday.
2. Income withholding shall take immediate effect. All payments shall be made through the friend of the court or State Disbursement Unit.
3. **Support.** The payer has a monthly support obligation as follows:

Payer:	Payee:	Effective date:
Children's names and birth dates:		

Children supported:	1 child	2 children	3 children	4 children	5 or more
Base support:	\$	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Other:	\$	\$	\$	\$	\$
Total:	\$	\$	\$	\$	\$

Base support shall abate 50% after 6 consecutive overnights with the payer.
 Support was set based on shared economic responsibility formula using _____ overnights of parenting time.
 Base support considers health care premiums of \$ _____ paid by plaintiff and \$ _____ paid by defendant.
 The above ordered support provisions do do not follow the child support formula.

4. **Insurance.** For the benefit of the children, plaintiff defendant shall maintain health care coverage through an insurer [as defined in MCL 552.602(o)] that includes payment for hospital, dental, optical, and other medical expenses when that coverage is available through an employer or under an existing individual policy at the following reasonable cost:
 - up to a maximum of \$ _____ for plaintiff. up to a maximum _____ for defendant.
 - not to exceed 5% of the plaintiff's/defendant's gross income.

(see Page 2 for remainder of order)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	<i>UNIFORM CHILD SUPPORT ORDER (PAGE 2)</i> <input type="checkbox"/> MODIFICATION	CASE NO.
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Court address	FAX no.	Court telephone no.
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Plaintiff's name	v	Defendant's name
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5. **Uninsured Medical Expenses.** All uninsured health care expenses exceeding the ordinary medical amount will be paid _____ % by the plaintiff and _____ % by the defendant. Uninsured expenses exceeding the ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The ordinary medical amount is \$ _____ year.
6. **Qualified Medical Support Order.** This order is a qualified medical support order under 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll under MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
7. **Retroactive Modification, Surcharge for Past Due Support, and Liens for Unpaid Support.** Support is a judgment the date it is due and is not modifiable retroactively. A surcharge will be added to past due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues for more than the periodic support payments payable for two months under the payer's support order.
8. **Change of Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing, within 21 days of any change in: a) their mailing or residence address and telephone number; b) the name, address, and telephone number of their sources of income; c) their health maintenance or insurance company, insurance coverage, persons insured, or contract number; d) their occupational or driver licenses; and e) their social security number unless exempt by law under MCL 552.603.
9. **Redirection and Abatement:** Subject to the procedures, the friend of the court: 1) may redirect support paid for a child to the person who is legally responsible for that child; 2) shall abate support charges for a child who resides on a full-time basis with the payer of support; or 3) shall redirect support to the Family Independence Agency for a child placed in foster care.
10. **Fees.** The payer of support shall pay statutory and service fees as required by law.
11. **Prior Orders.** Except as changed in this order, prior provisions remain in effect. Support payable under any prior order is preserved.
12. **Other: (attach separate sheets as needed)**

IT IS SO ORDERED:

Plaintiff (if consent/stipulation)	Date	Defendant (if consent/stipulation)	Date
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Date	Judge	Bar no.
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CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties by first class mail addresses to their last known addresses as defined in MCR 3.203.

Date	Signature
------	-----------

APPENDIX C

Sample Agreement to Forgive Child Support

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF _____
FAMILY DIVISION

[Plaintiff's Name]

Plaintiff,

v.

[Defendant's Name]

Defendant.

Hon. [Name of Judge here]

Case No. [Your case number here]

STIPULATION AND ORDER

[Name and address of Plaintiff here]
[Plaintiff's telephone number here]

[Name and address of Defendant here]
[Defendant's telephone number here]

NOW COMES the parties and stipulate and agree as follows:

1. [Name of person to whom support is owed] hereby agrees to forgive all back child support owed to [your name].
2. [Fill in any other conditions of your agreement here].
3. [Fill in any other conditions of your agreement here].

Dated: _____

Plaintiff

Subscribed and sworn to before me on
this ____ day of [month], [year]

[Name of Notary Public], Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission expires: [Notary's expiration date]

Dated: _____

Defendant

Subscribed and sworn to before me on
this ____ day of [month], [year]

[Name of Notary Public], Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission expires: [Notary's expiration date]

ORDER

At a session of said Court sitting in the _____
County Circuit Court, in the City of _____,
Michigan, on this day of _____.

PRESENT: HON. _____
CIRCUIT COURT JUDGE

Having read the above Stipulation, **NOW THEREFORE**

IT IS SO ORDERED.

Hon.
Circuit Court Judge

ATTEST: A TRUE COPY

Deputy Clerk

APPENDIX D

Friend of the Court Offices by County

COUNTY	OFFICE ADDRESS	CITY	ZIP CODE	MAIN PHONE
Alcona	P.O. Box 366	Harrisville	48740	989-724-5131
Alger	101 Court Street	Munising	49862	906-387-4636
Allegan	P.O. Box 358	Allegan	49010	616-673-0330
Alpena	719 W. Chisholm	Alpena	48707	989-354-9710
Antrim	328 Washington St., Courthouse	Traverse City	49684	231-922-4660
Arenac	PO Box 115	Standish	48658	989-846-9190
Baraga	401 E. Houghton Ave.	Houghton	49931	906-482-2102
Barry	101 S. Broadway	Hastings	49058	616-948-4826
Bay	PO Box 831	Bay City	48707	989-895-4295
Benzie	Box 70	Beulah	49617	800-515-1327
Berrien	811 Port Street, County Building	St. Joseph	49085	616-983-7111 ext. 8389
Branch	31 Division St.	Coldwater	49036	517-279-4314
Calhoun	161 Michigan Ave.	Battle Creek	49014	269-969-6500
Cass	PO Box 38	Cassopolis	49031	269-445-4436 *6
Charlevoix	PO Box 246	Charlevoix	49720	231-547-7205
Cheboygan	PO Box 70	Cheboygan	49721	231-627-8825
Chippewa	300 Court St.	Sault Ste. Marie	49783	906-635-6347
Clare	PO Box 988	Harrison	48625	989-539-0800
Clinton	PO Box 128	St. Johns	48879-0128	989-224-5136
Crawford	1029 Gormick Ave.	Gaylord	49735	989-732-3437
Delta	310 Ludington St.	Escanaba	49829	906-789-5110
Dickinson	PO Box 725	Iron Mountain	49801	906-774-2833
Eaton	1045 Independence Blvd.	Charlotte	48813	517-543-7500/310
Emmet	200 Division St.	Petoskey	49770	231-348-1717
Genesee	1101 Beach St.	Flint	48502	810-257-3300
Gladwin	401 E. Cedar	Gladwin	48624	989-426-4141
Gogebic	Courthouse, 200 N. Moore St.	Bessemer	49911	906-667-0218
Grand Traverse	328 Washington St., Courthouse	Traverse City	49684	231-922-4660
Gratiot	PO Box 157	Ithaca	48847-0157	989-875-5226

Hillsdale	15 Care Dr., Box 201	Hillsdale	48242	517-437-4111
Houghton	401 E. Houghton Ave.	Houghton	49931	906-482-2102
Huron	PO Box 188	Bad Axe	48413	989-269-9545
Ingham	PO Box 40097	Lansing	48901	517-483-6103
Ionia	PO Box 47	Ionia	48846	616-527-5397
Iosco	PO Box 837	Tawas City	48764-0837	989-984-1108
Iron	2 South Sixth, Street-19	Crystal Falls	49920	906-875-3673
Isabella	County Bldg., 300 N. Main	Mt. Pleasant	48858	989-772-0911
Jackson	PO Box 1070	Jackson	49204	517-778-4470
Kalamazoo	201 W. Kalamazoo Ave.	Kalamazoo	49007-3777	269-384-8200
Kalkaska	1029 Gornick Ave.	Gaylord	49735	989-732-3437
Kent	PO Box 351	Grand Rapids	49501-0351	616-336-2600
Keweenaw	401 E. Houghton Ave.	Houghton	49931	906-482-2102
Lake	800 10 th St., Suite 300	Baldwin	49304	231-745-2705
Lapeer	255 Clay St.	Lapeer	48846	810-667-0377
Leelanau	328 Washington St., Courthouse	Traverse City	49684	231-922-4660
Lenawee	PO Box 57	Adrian	49221	517-264-4706
Livingston	The Law Center, 210 S. Highlander Way, Ste. 3	Howell	48843	517-546-0230
Luce	Luce County Govt. Bldg.	Newberry	49868	906-293-3204
Mackinac	100 N. Marley St	St. Ignace	49781	906-643-7336
Macomb	6 th Floor, Macomb County Bldg.	Mt. Clemens	48043	586-469-5160
Manistee	Box 37	Manistee	49660	231-723-7242
Marquette	234 W. Baraga Avenue	Marquette	49855	906-225-8262
Mason	Courthouse, PO Box 159	Ludington	49431	231-843-4791
Mecosta	Mecosta Cnty. Courthouse, PO Box 508	Big Rapids	49307	231-592-0115
Menominee	839 10th Ave	Menominee	49858	906-863-8981
Midland	PO Box 619	Midland	48640-0619	989-832-6801
Missaukee	Court House Annex, P.O. Box 285	Cadillac	49601	231-779-9494, ext. 3108
Monroe	PO Box 120	Monroe	48161	734-240-7180
Montcalm	PO Box 305	Stanton	48888	989-831-7332
Montmorency	P.O. Box 479	Atlanta	49709	989-785-8053
Muskegon	990 Terrace, 3rd Floor	Muskegon	49442	231-724-6421
Newaygo	PO Box 805	White Cloud	49349	231-689-7260
Oakland	P.O. Box 436012	Pontiac	48343-6012	248-858-0424

Oceana	100 South State St., Ste M34	Hart	49420	231-873-4605
Ogemaw	Suite 106, 806 W. Houghton	West Branch	48661	989-345-5520
Ontonagon	Court House, 725 Greeland Rd	Ontonagon	49953	906-884-4670
Osceola	PO Box 135	Reed City	49677	231-832-6131
Oscoda	PO Box 837	Tawas City	48763	989-362-2573
Otsego	1029 Gornick Ave.	Gaylord	49735	989-732-3437
Ottawa	PO Box 566	Grand Haven	49417	616-846-8210
Presque Isle	PO Box 192	Rogers City	49779	989-734-4312
Roscommon	500 Lake St.	Roscommon	48653	989-275-3121
Saginaw	111 S. Michigan Saginaw	Saginaw	48602-2019	989-790-5300
Sanilac	60 W. Sandusky, P.O. Box 187	Sandusky	48471	810-648-4866
Schoolcraft	300 Walnut St., Rm 210	Manistique	49854	906-341-3650
Shiawassee	PO Box 121	Corunna	48817	989-743-2397
St. Clair	201 McMorran Blvd.	Port Huron	48060	810-985-2285
St. Joseph	PO Box 249	Centreville	49032	269-467-5570
Tuscola	449 Green Street	Caro	48723	989-673-4848
Van Buren	219 Paw Paw Street	Paw Paw	49079	616-657-7734
Washtenaw	PO Box 8645	Ann Arbor	48107	734-994-2466
Wayne	Penobscot Bldg., 3 rd Floor, 645 Griswold	Detroit	48226	313-224-6639
Wexford	Box 285	Cadillac	49601	231-779-9494

APPENDIX E

EXAMPLE OF WHAT IT WILL COST YOU IF YOU DON'T FILE A MOTION

Why Should I File My Motion Now?

Say you are supposed to pay \$100 a week in child support. Then you get locked up, starting January 1. Since you don't have any earnings in prison and don't have any outside assets, you should owe \$0 per week. If you file and serve a motion on January 1 to change your child support, your child support will probably get reduced to \$0 per week. So, at the end of the year you will owe \$0. However, if you do not file a motion, your child support will keep charging at \$100 a week. At the end of the year you will owe \$5,200, plus surcharges and fees. If you serve four years in prison and never file a motion, when you get out you will owe \$20,800, plus surcharges and fees.

What If I've Already Been Locked Up for a While? Should I Still File a Motion?

Let's look at our example again. Say you are incarcerated on January 1 but don't file and serve your motion to modify support until July 1. You will still owe support for the period up until you filed your motion on July 1: about 26 weeks of support at \$100, or \$2,600. But if your support gets reduced to zero, you won't owe support for the period after July 1. At the end of four years you will still owe only \$2,600 (plus surcharges and fees), since you won't be adding on any more debt for years two, three, and four of your sentence. If you do not file a motion to change your support, you will owe \$20,800, plus surcharges and fees, at the end of four years. The court cannot just eliminate your back support, and you will be stuck with the \$20,800 debt.

Example for \$100/week Payment

Date Motion Filed and Served	Amount You Owe After 1 Year*	Amount You Owe After 4 Years*
January 1	\$0	\$0
July 1	\$2,600	\$2,600
Not filed	\$5,200	\$20,800

*These amounts exclude surcharges and fees, which can easily double or triple the total you owe.