

CHILD SUPPORT AND MEDICAL SUPPORT FAQ

How are child support payments applied to cases?

Federal regulations require that all support payments are first applied to current support obligations. Once the monthly obligation is met, any additional money received would be applied towards past due balances of support, birth expenses, state arrearages, genetic testing fees, and/or service fees.

If there is a **single case**, the entire payment would be applied towards that case. When there are **multiple cases**, then the payment applies to all balances on **all** cases, satisfying current support first. However, a payer can give specific payment directions which differ from this process.

If there are multiple cases and the payment is:

1. **The same as balances due**, then the payment applies to the balances on all cases, satisfying all current support orders first.
2. **Less than the balances due**, then the payment allocates by percentages to each of the cases, using the monthly support amounts.
 - a. **Example:** a person is ordered to \$60 per month on Case 1 and \$40 per month on Case 2.
 - i. If the payer pays \$100, it is allocated proportionately: 60% (\$60) to Case 1 and 40% (\$40) to Case 2.
 - ii. If the payer pays \$70, it is allocated proportionately: 60% ($\$70 \times 60\% = \42) to Case 1 and 40% ($\$70 \times 40\% = \28) to Case 2.
3. **More than the balances due and all cases have expected (ordered) payment on arrears**, then the current support is satisfied first on all cases and then the expected (ordered) payment on arrears amounts are used to proportionally allocate the remaining payment.
4. **More than the balances due and all cases do NOT have expected (ordered) payment on arrears**, the current support is satisfied first and then the arrears balances (**based on the hierarchy**) are used to proportionately allocate the remaining payment.
5. **More than the balance due and there is no arrearage**, the overpaid amount is returned to the payer, as the system does not allow pre-payments.

How can I stop my child support payments?

1. Child support will automatically stop at the end of the month the child emancipates (turns 18 years old). If the court has ordered post majority support (support past the age of 18 years old), support will terminate automatically at the conclusion of the extended timeframe, which is typically graduation from high school.
2. At all other times, child support can only be modified by a court order, signed by a judge.
3. If the parties agree on this issue, the Friend of the Court (FOC) can help you modify your court order without the need for a court hearing.
 - a. Step 1: write out the details of your agreement and have both parties sign and date it. (Please note this agreement is not a court order until it is signed by the judge, so you must complete the rest of the listed steps).

- b. Step 2: give the original copy of your agreement to the FOC by dropping it off in person, or by sending it via mail to Allegan County Friend of the Court, PO Box 358, Allegan, MI 49010.
 - c. Step 3: when the FOC receives your written agreement, the FOC will schedule an appointment for both parties to come into the office to put the agreement into a court order.
 - d. Step 4: the FOC will process the paperwork and will mail you a copy once it is signed by the judge.
4. If the parties do not agree to a change in child support, you must file a petition with the FOC for a review of support (if eligible). You may hire an attorney to represent you, or represent yourself. If you choose to represent yourself, you may obtain the proper paperwork from the FOC lobby, or the Allegan County Legal Assistance Center, located in the garden level of the courthouse, who can also assist with completing the forms and provide directions for filing.

The child is now living with me. What can I do?

If your child(ren) are now living with you and you pay support, you may want to modify your court order.

If the parties agree on this issue, the Friend of the Court (FOC) can help you modify your court order without the need for a court hearing.

- a. Step 1: write out the details of your agreement and have both parties sign and date it. (Please note this agreement is not a court order until it is signed by the judge, so you must complete the rest of the listed steps).
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If the parties do not agree to a change in child support, you must file a petition with the FOC for a review of support (if eligible). You may hire an attorney to represent you, or represent yourself. If you choose to represent yourself, you may obtain the proper paperwork from the FOC lobby, or the Allegan County Legal Assistance Center, located in the garden level of the courthouse, who can also assist with completing the forms and provide directions for filing.

*Please note that the law in Michigan does not allow the court to retroactively modify child support in most scenarios. You must promptly request these changes.

Why did I receive a child support payment?

You can receive updated payment information by calling our IVR at 1-877-543-2660.

I have been paying my child support but the other parent is not allowing my parenting time. Do I have to keep paying support?

Yes. Parenting time and child support are separate parts of your court order with separate enforcement remedies.

If I am not receiving support, do I need to allow parenting time?

Yes. Parenting time and child support are separate parts of your court order with separate enforcement remedies.

If I am receiving public assistance, do I still receive my child support payments?

If the child(ren) receive(s) Medicaid, the ordinary medical support, listed on your Uniform Child Support Order, will be redirected to the State of Michigan, but the remainder of child support would be directed to you. If you are receiving food assistance and/or child care assistance, the payments will be directed to you. If you are receiving cash assistance, the support payments are directed to the State of Michigan, up to the amount of cash assistance you receive.

Does the Friend of the Court make sure that child support payments are being spent on the children?

No. The law does not give anyone the authority to verify how child support payments are being spent.

The other parent is moving out of state. Can I still collect child support?

If you have a Michigan support order and the payer of support moves to another state, this office will continue to enforce the collection of your support order. This can be done by a direct income withholding order to the payer's out-of-state employer. Other in-state remedies also apply such as tax offsets, show cause hearings, and bench warrants. However, certain in-state remedies are not as effective if the payer resides out of state. If necessary, the FOC can register the Michigan order for enforcement by the other state.

How do I register my order in another state?

Contact your FOC Enforcement Officer. The FOC will register the Michigan order in another state if necessary. This means that your order will be registered only in the other state where the payer lives. The out-of-state court will register the Michigan order, at which time they can enforce the Michigan order as if it was their own. Your Michigan order cannot be modified by the other state where it is registered.

What happens if both parties move from the State of Michigan?

Michigan can continue to enforce the support order the same as described above. Although Michigan can continue to enforce the order, if all parties have left the state, the custodial parent is encouraged to sign up for services at the local child support office. Should enforcement other than income withholding be necessary in the future, your case will already be established in the new state and may save time while you wait for enforcement action. However, the Michigan order cannot be modified if neither party resides in Michigan, the party wishing a modification of the order must register the order in the opposing state for modification.

I recently moved to Michigan, but I have an established support order in another state. How do I go about getting support?

You may contact the Michigan Office of Child Support at 1-866-540-0008 to request child support services. The FOC will contact the state who issued your orders for copies, and will then schedule an

appointment with you. Once the order is registered in Michigan, Michigan can seek registration for redirection of payments to the state in which the payer resides.

I do not have a support order and the other party resides out of state. How do I go about getting a support order entered?

You may to contact the Department of Health & Human Services (DHHS) to complete an application for services. You can complete this application online by visiting their website. DHHS and the Office of Child Support will review your application and send a referral to the FOC office. You will be notified to come into our office for an appointment to establish a support order.

You may hire an attorney to represent you, or represent yourself. If you choose to represent yourself, you may obtain the proper paperwork from the Allegan County Legal Assistance Center, located in the garden level of the courthouse, who can also assist with completing the forms and provide directions for filing.

How can I change the amount of support?

You may request a change in your support order by doing one of the following:

1. By agreement of the parties. If the parties agree on this issue, the FOC can help you modify your court order without the need for a court hearing.
 - a. Step 1: write out the details of your agreement and have both parties sign and date it. (Please note this agreement is not a court order until it is signed by the judge, so you must complete the rest of the listed steps).
 - b. Step 2: give the original copy of your agreement to the Friend of the Court by dropping it off in person, or by sending it via mail to Allegan County Friend of the Court, PO Box 358, Allegan, MI 49010.
 - c. Step 3: when the FOC receives your agreement, the FOC will schedule an appointment for both parties to come into the office to put the agreement into a court order.
 - d. Step 4: the FOC will process the paperwork and will mail you a copy once it is signed by the judge.
2. File a petition for a review of support with the FOC. Each case is eligible for a review once every 36 months. You are also eligible for a review before the 36 month mark if you are able to show a significant change in circumstances. *(Please note: This review can take up to 180 days to complete.)*
3. Hire an attorney to represent you.

***Please note that if the children receive cash assistance, Medicaid, food assistance or child care assistance, this may hinder your ability to make certain changes.**

CHILD SUPPORT REVIEW STATEMENT:

1. A child support review is a review of the monthly amount owed for child support. Child support is determined by a formula. You can find this formula and more information at:
<https://courts.michigan.gov/administration/scao/officesprograms/foc/pages/child-support-formula.aspx>

2. Each case is entitled to a review of child support every 36 months. The FOC will conduct a review before 36 months if you are able to show a significant change in circumstances. You may request a review by completing a "Petition to Change Support Order" which is available online at <http://cms.allegancounty.org/sites/Office/CC/FOC/SitePages/ChildSupport.aspx> or in the FOC lobby.

Things to know about the Michigan Child Support Formula

1. The Michigan Child Support Formula takes into consideration the incomes of both parents, which includes, but is not limited to: salaries, overtime, premiums, and bonuses from all employers including military pay, workers compensation, disability, as well as other income such as rental income, interest and dividends. The formula does not, however consider public assistance payments or Supplemental Security Income (SSI).
2. A current spouse's 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 the party's ability to earn (this is known as "imputing" income).
4. The Michigan Child Support Formula allows a number of adjustments, including childcare expenses, other biological children, and mandatory deductions from income (such as mandatory retirement withholdings).
5. An online calculator for Michigan Child Support is available to the public at: <https://micase.state.mi.us/calculatorapp/public/welcome/load.html>

When will a modification in child support become effective?

Absent an agreement of the parties, the FOC will set the effective date as the party requesting the change filed the petition with the FOC office. If the review is done as a result of public assistance, the support change will be effective the date we receive the referral or petition. The monthly amount will not change until a new court order is signed by a judge and entered with the FOC.

I filed copies of my paystubs and complete tax returns and all schedules with the petition. I have now received a FOC questionnaire. Is this necessary?

Both parties must complete the questionnaire and provide any additional documentation referenced in the questionnaire.

I did not return my questionnaire. What do I do?

If you have missed the 14 day timeline to return the requested documents to the FOC office, please contact the office and return them as soon as possible.

After reviewing the recommendation sent by the FOC, we have come up with an agreement. What can we do?

There are two ways this can be remedied.

1. By agreement of the parties. If the parties agree on this issue, the FOC can help you modify your court order without the need for a court hearing.

- a. Step 1: write out the details of your agreement and have both parties sign and date it. (Please note this agreement is not a court order until it is signed by the judge, so you must complete the rest of the listed steps).
- b. Step 2: give the original copy of your agreement to the Friend of the Court by dropping it off in person, or by sending it via mail to Allegan County Friend of the Court, PO Box 358, Allegan, MI 49010.
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***Please note that if the children receive cash assistance, Medicaid, food assistance or child care assistance, this may hinder some ability to make certain changes.**

2. File an objection to the support recommendation. At the objection hearing, both parties must appear to place their agreement on the record and our review modification staff will draft an order per the agreement.

Does the FOC make recommendations regarding Spousal Support/Alimony?

No.

Does writing a letter to the FOC requesting a review qualify as filing a petition?

Yes. The filing of a petition is an informal process in the FOC. If you wish to have the judge make an initial decision, you must file a motion in Circuit Court.

When making a recommendation for child support, does the FOC take into consideration my bills such as car payments, rent, mortgage, utilities, and credit card debt?

The Michigan Child Support Formula already assumes all people have certain living expenses. The FOC cannot deduct those bills before calculating support and making a recommendation.

How long does a support review take?

A review can take up to 180 days.

What if I don't agree with the recommendation?

You must file a written objection within the 21-days and a hearing will be scheduled in front of the Attorney/Referee in the FOC.

What do I do if I have been ordered to pay child support and I become incarcerated?

Tell the FOC. The FOC will review your child support order if you are going to be incarcerated for more than 180 days. The FOC is not allowed to retroactively modify your support obligation, so you need to contact the FOC immediately, or have a friend/family member make the contact for you.

Where can child support payments be made?

Payers have the following options available when making support payments:

- Pay online with a credit/debit card at <http://www.misdu.com> (The provider charges a 2.35% fee of the total payment to use this service).
- Pay via telephone with a debit/credit card (Mastercard, American Express or Discover only) by calling 1-877-543-2660. (The provider charges a 2.35% fee of the total payment to use this service).
- Pay with a money order, certified/cashier's check by mailing to: Michigan State Disbursement Unit, P.O. Box 30351, Lansing, MI 48909.
- Pay by cash at the Allegan County FOC office Monday-Friday 8:00am – 5:00pm.
- Pay cash at select 7-11 or Family Dollar stores during their hours of operation. You must first obtain a PayNearMe barcode from their website at www.PayNearMe.com/Michigan. You will need your social security number, your docket/case number, and an email address or cell phone number to receive your barcode. (The provider charges a fee of \$1.99 for each payment made).
- Pay at standalone CVS Pharmacy and Walmart Stores using MoneyGram payment options. Payers must complete a MoneyGram and use Michigan's Receive Code of 14689. (The provider charges a fee of \$3.99 for each payment made).

Can I pay the other parent directly?

No, unless your court order specifically allows for direct payments. If you pay directly, you will not receive credit for the payments unless addressed in a court order. However, every case does have the ability to "Opt Out" of FOC Services. Opting out removes the case from all IV-D services including: accounting services, support enforcement, medical support enforcement, support review and modification services, custody and parenting time enforcement and investigation. In order to "Opt Out" you must file a written motion with the Circuit Court. There is an "Opt Out" packet available in the FOC lobby or at the Legal Assistance Center. The FOC must approve this request. The law prohibits a case from opting out of FOC services under certain circumstances, such as if there is a past history of domestic violence, if there are payments owed on the case, or if the children receive public assistance.

How can I obtain information on my account?

Payment information and case balances are available by calling 1-877-543-2660 or MiCase at: <https://micase.state.mi.us/portalapp/public/login.html?execution=e1s1>

Why didn't I receive a payment?

The payer did not make his/her payment.

You have not updated your address information with the FOC and the Michigan State Disbursement Unit (MISDU).

The monthly support obligation has been paid and no more monies are due to you in the current month.

The MISDU received a payment from the employer, but it had to be returned due to insufficient information.

If you are receiving cash assistance, the MISDU will send all support payments to the State of Michigan, up to the amount of assistance received.

What is a Reliacard Visa?

The Reliacard Visa is a debit card issued by the U.S. Bank. The MISDU electronically deposits child support payments to this card when they are due and received from the payer of support or their employer.

Is the Reliacard a credit card?

No. Unlike a credit card, cardholders can only use the card when funds from the MISDU have been deposited to the card. Customers cannot deposit additional funds to the card. There are no credit checks or approvals required to get a Reliacard Visa debit card.

How does the Reliacard Visa debit card work?

You can make purchases everywhere a Visa debit card is accepted, including places such as grocery stores, gas stations, and restaurants.

Receive cash back with a purchase from Interlink merchants.

Pay bills and pay for online, phone, and mail order purchases.

Get cash from any bank that accepts Visa.

Get cash from ATMs (fees may apply).

I have a new child support case and I have not received the debit card. What can I do?

The first payment you receive from MISDU should be in a check form. With this check will be information pertaining to the different options you can utilize in receiving your child support payments. You may contact the MISDU or visit www.misdu.com to apply for your card or report that it has not been received.

Is a PIN needed to use the card?

Yes and no. Cardholders can use the card to make signature-based purchases without a PIN. However, cardholders must use a PIN for cash withdrawals at ATMs. Cardholders must choose their own PIN by calling the U.S. Bank cardholder services or going online to www.usbankreliacard.com after they receive their card. For security reasons, it is important that cardholders pick a PIN that only they will remember and not share their PIN or card with anyone.

What so I do after receiving the Reliacard Visa debit?

After you receive your card in the mail, you must call U.S. Bank cardholders services at 1-855-233-8374 or log onto www.usbankreliacard.com to activate the card.

Who can I contact if I have questions on my Reliacard?

For questions regarding support payments, such as the most recent support amounts deposited, the cardholder can go to www.MiChildSupport.com, which allows access to child support case information online. The card holder can also contact the FOC's 24 hour IVR by calling 1-877-543-2660. *For all other questions, call U.S. Bank (available 24 hours a day, seven days a week, every day of the year) at 1-855-233-8374.*

What do I do if I'm not receiving payments from the parent ordered to pay?

If a period of thirty (30) days has passed since the last payment you've received, you can file a Non Payment of Child Support Complaint. These forms are available in the FOC lobby or on the FOC website.

I have Medicaid on my children. Do I have to enroll my children into health care coverage at my place of employment?

Yes. If your court order orders you to carry health care coverage the children must be enrolled immediately, if the cost is reasonable as defined by your court order.

Insurance through my place of employment is too expensive. What do I do?

You can file an objection to the National Medical Support Notice with the FOC office and attach 3-4 recent paystubs and a cost of benefit sheet. Your Enforcement Officer will review these documents and make a determination if the cost exceeds the percentage allowed by your court order. If it is determined too expensive, the employer will be notified to terminate coverage.

I have medical bills for my child and insurance won't pay. What do I do?

Review your court order and determine the responsibility of each parent for uninsured medical expenses for the children. Generally, you can find this information on pg. 2 of your Uniform Child Support Order (UCSO). Then obtain a Request for Health-Care Expense Payment packet. You can find this form on the FOC website at www.allegancounty.org or in the FOC lobby.

The other parent in the case is not providing health care insurance for our children. What can I do?

If the other parent is ordered to carry health care coverage, you may contact your Enforcement Officer in writing at the Friend of the Court office for enforcement. Generally, you can find this information on pg. 2 of your UCSO.

If the other parent is employed and health care coverage is available at a reasonable cost, the Friend of the Court will notify the employer to enroll the children in health care coverage immediately.

The other parent has health care coverage, but has not provided me with a copy of the insurance card. What can I do?

The court considers this the same as the party failing to provide the coverage for health care, since the insurance coverage cannot be utilized. You may file a written complaint to your Enforcement Officer at the Friend of the Court office and appropriate enforcement remedies will be taken.

Do I have to appear for medical enforcement hearings if I am the party seeking the collection?

Yes. **You must appear** to testify to your claim for reimbursement or the claim could be dismissed by the court.