

# Unemployment Resources: How to Modify Your Child Support Amount



*“What if I lost my job and need more money to pay my bills? Can I get the amount of my child support payment lowered? How?”*

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## **Who should use this brochure?**

Information provided in this brochure is relevant to people who are paying or receiving child support and recently have become unemployed. **This brochure is NOT intended to replace the advice of an attorney regarding your specific case.**

## **When can a court change the child support amount?**

A court can change a child support amount at any time until the child turns 18 (or 19½ if the child is still in high school) [MCL 552.605b(2)]. Either party involved in the case or the Friend of the Court (FOC) can ask a court to change child support if there has been a **change in circumstances** (MCL 552.517).

## **What is a “change in circumstances”?**

A “change in circumstances” is a change of fact that has affected either party, or the child, and that is so significant that it is no longer fair to continue requiring support payments as previously ordered. Circumstances are typically changed when one parent becomes unemployed – especially when the child support amount was created on the basis of that parent’s income. Child support amounts should cover the needs of the child while staying within the financial means of the parent who pays support. The court decides whether it is appropriate to change a child support order. When support payers or payees lose jobs or are forced to work reduced hours, the payers or payees should ask the court to change the child support amounts as soon as possible.

## **I lost my job and cannot afford to pay my child support. What should I do next?**

If you lost your job and cannot afford to pay your child support, your circumstances have changed, and you should try to change your support amount **immediately**. Any child support payments that are due before you try to change your support cannot be reduced after they were due. Any change in child support ordered by the court will start on the day the other parent is notified that you have asked the court to change your child support amount, not on the day you become unemployed.

## **How can I change my child support amount?**

There are two ways to change child support payment amounts. First, you can ask the friend of the court (FOC) to review your child support order. The FOC will review a child support order that is older than three years and when more than three years’ time has passed since the FOC last reviewed the child support amount. If the order has changed within the last three years or if less time than three years has elapsed since the FOC last reviewed the child support order, the FOC can review child support only when there has been a change in circumstances. The FOC can usually review child support amounts if you have lost your job. If the FOC review agrees that the support order should change, the FOC will ask the court to change the order.

You can also change child support amounts through the court by filing a **Motion Regarding Support** (Form FOC 50). You can get a copy of the form from your local FOC or print one from:

<http://courts.michigan.gov/scao/courtforms/domesticrelations/drindex.htm>.

## **Should I try to change support amounts through the FOC or through the court?**

While it is more expensive to go through the court, it can be faster to ask the court to change support than going through the FOC.

The FOC, however, will review your support order and ask the court to change it at **no charge**. But the FOC review may take 90 days or longer. You will still have to pay the original amount of support until the court approves the change and after the other party is notified of your request to change the support amount.

If you ask the court to change your support, that can cost up to \$60. But, the new support amount will take effect as of the date when the other parent was notified receiving a copy of the motion that you filed your motion regarding support.

The court can waive the fees if you cannot afford to pay them. To ask a court to waive the fees, fill out an Affidavit and Order, Suspension of Fees/Costs form (Form MC 20).

### **How do I ask the court to change my support amount?**

The process for asking the court to change support amounts differs slightly from county to county. Generally, to ask the court to change your child support, follow these steps:

1. Get the “Motion Regarding Support” form from the FOC.

Some FOC offices have their own version of the form, but most FOCs use the standard “Motion Regarding Support” form (FOC 50). You can get the form from the FOC office or print one online at: <http://courts.michigan.gov/scao/courtforms/domesticrelations/drindex.htm>. Your FOC can tell you which form you need.

2. Fill out the motion form.

Be sure to fill out all the blanks on the form. Please print neatly! Pay careful attention to Item 5, and be specific when describing how your circumstances changed (for example, after you lost your job).

3. Bring your completed motion form to the county clerk.

Bring the original form and **5 copies** to the county clerk’s office. You will have to pay \$20.00 when you turn in the form, and might have to pay another \$40.00 if your child support is changed. If you cannot afford the fees, ask the clerk for an Affidavit and Order, Suspension of Fees/Costs form (Form MC 20).

The clerk will keep your original form and one copy. The clerk will give the other four copies back to you. **Keep all the papers the clerk gives you.** You will need them later.

4. Give the paperwork to the other parent.

You must give the other parent (or other party) a copy of the paperwork **at least 9 weekdays before the hearing date**. This is called “serving” the other party. You can serve the other party by mailing the party one copy of the paperwork by first-class mail. Complete the “Certificate of Mailing” blanks that are on the remaining three copies of the motion. It may take several months before the court issues a new order, but state law does allow the court to lower your support amount as of the date you “serve” the other party.

5. Return to the county clerk.

Once you have mailed the paperwork and filled out the Certificate of Mailing on the remaining three copies, bring two of the copies to the county clerk's office. Keep one copy for yourself.

6. Attend the hearing.

**You will need to bring a new Order Regarding Support (Form FOC 52) with you to the hearing.** You can get a copy of the form from your local FOC office or print a copy online from: <http://courts.michigan.gov/scao/courtforms/domesticrelations/drindex.htm>. Also, bring any supporting papers you have and any witnesses who are willing to testify. Form FOC 52 has more information about the hearing and courtroom etiquette.

7. File the court order.

Complete the order form (form FOC 52) using information that the judge tells you at the hearing. Make **5 copies** and file them with the clerk. You may either attend a hearing to get the order signed (use Notice of Hearing to Enter Order form FOC 53) or send a letter to the other party stating that the order will be given to the judge to sign and that the party has 7 days to file objections (use Notice to Enter Order without Hearing form FOC 54). If the other party does not object, the judge will sign the order without holding a hearing.

### **Will support be taken out of my unemployment check?**

Yes. The Michigan Unemployment Insurance Agency and the Michigan Child Support Enforcement System work together to make sure support is going to the children while you are unemployed. If support is **not** being taken from your unemployment check automatically, **you need to keep making your child support payments** through the Michigan State Disbursement Unit (MiSDU). A listing of MiSDU contact numbers by county can be found at <https://www.misdu.com/secure/GeneralInformation/IVRPhoneNumbers.aspx>. Payments can also be made online at <https://www.misdu.com/secure/Payments.aspx>.

### **I decided to stop working. Do I still have to pay child support?**

If you voluntarily decide to stop working or to work fewer hours, the court may calculate your child support payments based on what you could earn if you were fully employed. The court will look at many factors, including:

- Past employment history
- Education level and special skills or training
- Physical and mental disabilities
- Availability
- Jobs available in the area
- Wage rates in the area
- Diligence in seeking employment
- The presence of children in the home
- Ability to earn.