

# Helpful Questions and Answers

## on

### Wayne County Friend of the Court Procedures



- **I have been named the father in a Paternity Action; now what?**

You will have an opportunity to admit you are the father or to request genetic testing. Make sure that you attend every court hearing. You can contact the Paternity Hotline at **(313) 496-5176**.

- **How is child support determined?**

Support is determined two different ways. If both parties agree to a support amount determined by the child support formula, they can sign an agreement. Once

that agreement is put in the form of a Uniform Support Order, signed by the judge, and filed with the court clerk, it becomes the court's support order. If the parties do not agree to follow the formula, the judge will determine the appropriate support amount.

- **I am no longer working. What do I do about paying child support?**

If you have lost your job and cannot afford to pay child support, your circumstances have changed and you may request your support amount be reviewed. The Court ordered child support is to be realistic so if you have a significant change such as being laid off you should have your support reviewed as soon as possible. Under Michigan law, any child support payments previously due cannot be changed; any change in child support ordered by the court will start after the other party has received notice of the filing to change support. Contact the Friend of the Court Office to begin the process.

- **How do I get my child support modified?**

The FOC will review child support orders automatically once every 36 months if the child or custodial party is receiving public assistance. In other cases, the FOC will conduct a review on written request by a party, but not more often than once every 36 months, unless the party proves a substantial change in circumstances. Merely notifying the FOC that one party's financial situation has changed cannot automatically change the ordered support amount.

- **How does the Friend of the Court enforce child support?**

There are several different methods of collecting past due support. Depending upon a support payer's circumstances, the court will determine which method best suits the pursuance of payment. The methods include:

**INCOME WITHHOLDING:**

The FOC can require the support payer's employer or

other income source to withhold the support from the payer's income. The payer will be notified before the income withholding starts by receiving a copy of the income withholding notice. The withheld amount cannot exceed 50 percent of the payer's disposable earnings.

**CONTEMPT HEARING**

**(Show Cause Hearing):**

If support is not paid on time, the FOC or a party may bring a contempt action against the payer. The court will order the payer to appear in court and "show cause" why payments have not been made. If the payer fails to appear for a show-cause hearing, the court may issue a bench warrant for the payer's arrest. If the Court finds the payer in contempt, the payer may be ordered to pay a certain sum of the child support debt or committed to the county jail up to 45 days (90 days for a second offense). The Court may impose fines and other sanctions as well.

**INCOME TAX INTERCEPT:**

If child support is overdue and the case otherwise satisfies state and federal requirements, the FOC must request an income tax “intercept.” In such cases, any tax refund to which the support payer is entitled will be paid to pay past due support.

support, you want to make sure that you bring information regarding your financial circumstances, payment, and proposed plan that addresses future payments.

- **How do I resolve a Child Support Bench Warrant?**

If you need more information, please contact the Wayne County Friend of the Court Call Center at (313) 224-5300 or visit the website at [www.3rdcc.org](http://www.3rdcc.org).

You have several options to avoid arrest by the Sheriff:

1. **Appear in Room 1907 of the Coleman A. Young Municipal Center between 8:30 am and 10:30 am on any Monday, Wednesday, or Thursday .**
2. **Surrender to the police department.**
3. **File a motion with your assigned judge asking the Court to resolve the bench warrant.**

As the Bench Warrant was issued for failure to pay