

CHILD SUPPORT PAYMENT FAQ SHEET

HOW ARE MY PAYMENTS DISTRIBUTED?

Federal regulations require that payments all go first to the current monthly support obligation owed to the custodial parent. Once the monthly obligation is met (amount of weekly support multiplied by 4.35) then the balance is distributed in this order until each is paid in full: payee arrearage, state arrearage, confinement, blood tests, service fees, court costs. **The exception to this rule is Federal Tax money, which pays money owed to the State first.**

HOW CAN I STOP MY CHILD SUPPORT PAYMENTS?

Only by Court Order which can be obtained by filing a pro per motion, requesting a support review or by consulting with an attorney of your choice.

WHAT DO I HAVE TO DO IF MY CHILD IS NOW LIVING WITH ME?

If there has been a change in custody and you pay support, you may want to modify your order. You may do so by filing a pro per motion and in the meantime file for visitation abatement, by providing exact dates in writing, if your order allows.

HOW CAN THE AMOUNT OF SUPPORT I PAY BE CHANGED?

You may request a change in your support order:

- 1) By the use of a pro per packet which can be obtained at the Friend of the Court (the process may take one to three months to have an order entered).
- 2) By requesting a support review through the Friend of the Court, which could take at least 90 days to have an order entered. Each party may request a review once every three years, unless there is a material change in circumstances (loss of job, etc).
- 3) By using an attorney of your choice.

WHY HAVEN'T I RECEIVED A PAYMENT?

You can receive payment information by calling **(269) 969-6415** for the 24-hour automated system or by calling the FOC Office at **(269) 969-6500**.

IF I HAVE BEEN PAYING MY CHILD SUPPORT AND THE CUSTODIAL PARENT IS NOT ALLOWING PARENTING TIME, DO I HAVE TO KEEP PAYING SUPPORT?

YES. Parenting time and support are separate parts of a court order, with separate enforcement actions. You should write a statement with as much detail as you can provide regarding the violation of parenting time and send to the FOC.

IF I AM NOT RECEIVING SUPPORT, DO I NEED TO ALLOW PARENTING TIME?

Yes. Parenting time and support are separate parts of a court order with separate enforcement procedures.

CAN I PAY THE OTHER PARTY DIRECTLY?

NO. Not without modifying your court order and filing with the court clerk. If you pay directly you will not receive credit for the payment unless stated in court order.

IF I AM RECEIVING PUBLIC ASSISTANCE, DO I STILL GET CHILD SUPPORT?

NO. The MiSDU must send to the State any child support payment made while you are on public assistance.

IS THE FRIEND OF THE COURT RESPONSIBLE FOR MAKING SURE THAT CHILD SUPPORT MONEY IS BEING SPENT ON THE CHILDREN?

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

The purpose of this document is to provide you with general answers to frequently asked questions. It is not intended as either legal advice or to be all inclusive. Legal questions should be directed to an attorney of your choice.