

The 29th Judicial Circuit of Michigan
Friend of the Court
Case Management Rule and Procedure

General: Suspension of Support

- I. Background – The Friend of the Court has a duty to initiate modification of a court-ordered support obligation if the office determines financial conditions have changed for either party (see MCL 552.517(1)(b)).
 - A. The Gratiot County Friend of the Court will give retroactive credit or abate support for periods of time when an individual was/is incarcerated with the Department of Corrections. A payer of support may file a written request for suspension of support.
 - B. If the Friend of the Court determines that a payer of support is incarcerated, the Friend of the Court will initiate a review of the obligation pursuant to MCL 552.517 if the payer is expected to remain incarcerated for a period of time in excess of one (1) year, or was incarcerated for one (1) year or more. Although the motion process remains available to all incarcerated payers, the Friend of the Court will not initiate a support review if the payer is incarcerated for either of the following reasons:
 1. Felony non-payment of child support.
 2. Causing injury or death to the custodial parent or child on the court case.
- II. Legal Process
 - A. Notice: If the Friend of the Court domestic support specialist is advised that an individual is incarcerated for more than one (1) year and the information is verified by the Department of Corrections or other means, then the office shall review ASFN to determine whether the payer has assets sufficient to pay support. If no assets exist and a change in the support order is otherwise determined to be appropriate, the domestic support specialist shall generate a Notice for Suspension of Support While Incarcerated.
 1. Form GEN4 – attachment A shall be used for this purpose.
 2. The notice shall request suspension of support effective the date the notice is sent to the parties. The notice shall be sent with a copy of the proposed order and shall include the following addition notices:

- a. Notice that the Court may issue the recommended order resolving the dispute unless a party objects to the order within 21 days after the notice is sent.
 - b. Notice that written objection must be submitted to the Friend of the Court domestic support specialist.
 - c. Notice that a party may waive the 21-day objection period by returning a signed copy of the recommendation.
 - d. Notice that the Friend of the Court will schedule a court hearing to resolve the dispute if objections are received.
3. A copy also shall be submitted to the assigned judge for entry at the end of the 21-day period.
- B. Objections: If objections are received, the support specialist shall schedule a hearing on the referee docket. Incarcerated payers shall be provided an opportunity to appear pursuant to MCR 2.004.
- C. Order: An Order Suspending Support During Incarceration shall be submitted for entry using for GEN4 – attachment B after the 21-day period.
- D. When an Order Suspending Support is entered the support specialist shall set a review of the case using the individual earliest release date as the review date.
 1. If all minor children are expected to emancipate before the earliest release date, the case should be set for closure.
 2. The BHIS screen shall be updated by the case assistant to ensure billing statements do not generate during the period of time the payer is incarcerated.