



ENFORCEMENT OF SUPPORT OBLIGATIONS

BY DAVID FINDLING

Dear Client:

The purpose of this correspondence is to provide a background and overview concerning enforcement methods for child and spousal support. According to Michigan law, "support" is the payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of medical, dental, and other health care, child care and educational expenses. All support in Michigan is collected and distributed by the Michigan State Disbursement Unit (MiSDU). The MiSDU receives support payments from employers through Income Withholding Orders or directly from individual payers. Child support enforcement is handled by the Friend of the Court (FOC) in the county that has jurisdiction of the case.

When support obligations become past due, they are commonly referred to as arrearages. There are several ways to enforce support orders; some remedies are exclusively available to State Child Support Enforcement agencies (such as the Friend of the Court), other remedies are available to any child support tribunal, private attorneys and collection agencies. Some remedies require court action, while others are administrative in nature, requiring minimal or no court action. Therefore, choosing the proper remedy, or remedies, is very case specific. A general overview of the methods of enforcement are as follows, most of which apply to both spousal and child support obligations:

- **Income Withholding:** A procedure by which automatic deductions are made from wages or other income. Applies to both spousal and child support obligations. It is the most effective and efficient method to secure payment of support.
- **Federal and State tax refund offset:** If an arrearage threshold has been met, both Federal and State tax refunds can be intercepted to pay support arrears.
- **Lien/Levy:** Either the FOC, the State or your Attorney can initiate a lien/levy against real or personal property, and/or financial assets for collection of child support.
- **Credit Bureau Reporting:** If support obligations are in arrears of two or more months, a report is generated and sent to a consumer credit reporting agency.

- **License Suspension/Revocation:** Occupational/Professional, Drivers, and Recreational licenses can be suspended or revoked for non payment of support obligations.
- **QDRO/EDRO:** These are support orders against a pension account for a private company (QDRO) or a State pension plan (EDRO). They can be issued for current support and/or arrearages.
- **Show Cause/Bench Warrant:** A payer can be ordered to appear before the court to explain the arrearage, this is commonly referred to as a Show Cause hearing. A bench warrant can also be issued for failure to appear at a Show Cause hearing and is always accompanied by a bond. If the payer fails to pay he/she can be sent to jail.
- **Federal Criminal Prosecution:** Pursuant to Federal law, the child support agency may refer a case for Federal Criminal Prosecution when an obligor is either in child support arrears greater than \$5,000.00 or the child support obligations have remained unpaid for more than one year.
- **Passport Denial:** Pursuant to Federal law, when an obligor has combined arrears of \$5,000.00 or more, the obligor will be denied issuance and/or renewal of his/her passport.

I hope that this information is informative and beneficial to you.

