

FAQ



Kent County Friend of the Court

•CHILD SUPPORT QUESTIONS•

I lost my job – will my child support be automatically adjusted? What do I have to do to get it reduced?

Child support will not be automatically adjusted when your employment changes. A new order is needed.

Your options:

- Submit a written request to FOC for an income review due to significant changes in financial circumstances (i.e. job loss, change in pay)
- File In Pro Per Motion to Change Child Support at the Kent County Courthouse, 180 Ottawa. The forms and instructions are available at accesskent.com/foc, in our lobby, or at the Legal Assistance Center.
 - ◆ Need help? Visit the Legal Assistance Center on the 5th Floor of the Courthouse
- Contact an attorney.

Can FOC help me find a job so I can start paying support?

The Resources For Parents Program (RPP) has developed a network of employers in order to assist payers of support who cannot find a job. If you are interested in RPP, please contact us at foc.mail@kentcountymi.gov or 877-543-2660 to speak with your case manager. If RPP is right for you, he or she will refer you to that program. *Program Temporarily Suspended*

What is the “due date” of my child support payment?

Your monthly support is added to your account on the first of every month. The full monthly amount must be paid before the last day of the month, unless your order states differently.

Do you know if the payer is working?

FOC may or may not have that information. It is each parent’s responsibility to keep us informed of his or her employment. We also have several locate options that are automatic in helping to locate the payer and his or her source of income. If you are the payee and you have information about the payer’s income that we do not appear to have, please contact us.

Will I receive the payer’s tax refund?

FOC automatically submits a request for tax refund offset when a payer’s arrears qualify (\$150 for the State of Michigan, \$500

for federal taxes). Because of IRS regulations, we can only give tax payment information to the person whose taxes were taken. We can only provide limited information regarding tax payments received by the payee.

•CUSTODY QUESTIONS•

How do I change custody of my child?

If you feel custody of your children should change, there are a couple of ways to ask for a change.

Your options:

- If the parties are in agreement, submit a written request for mediation to FOC.
- File an In Pro Per Motion to Change Custody at the Kent County Courthouse, online at www.accesskent.com/foc, in our lobby, or at the Legal Assistance Center. You must demonstrate proper cause or a significant change of circumstances before the court can allow the change.
 - ◆ Need help? Visit the Legal Assistance Center on the 5th Floor of the Courthouse.
- Contact an attorney.

If you file a motion for custody, the judge or referee may make a decision or refer the matter to FOC for a recommendation.

•MEDICAL QUESTIONS•

Why do I have to pay a medical support charge?

Medical support is ordered on almost every case. Medical support covers any out of pocket medical expenses the payee might incur that are not covered by insurance (i.e. co-pays, prescriptions). If the payee has active Medicaid for the children, medical support is paid to the State. *The charge will remain on the account whether or not you have health insurance coverage for the children.*

Why do I have to carry health insurance if the other party already has health insurance or Medicaid for the child/children?

Many court orders require that **both** parties maintain health insurance for the children. FOC enforces the order for health insurance coverage when insurance is offered through an employer at a reasonable cost. Your employer will be sent a request for details about the health insurance coverage available to employees. If health insurance is not offered or is offered at an unreasonable cost, FOC will not require the employer to enroll the children. If the cost to add the child(ren) is more than 6% of the gross income, it is usually considered an unreasonable cost.

If your order calls for both parents to maintain health insurance, but you both agree only **one will** maintain health insurance, please submit a written request and copies of the front and back of that parent's insurance card (along with copies of each party's photo ID) to the medical department to review.

I already have Medicaid, but a National Medical Support Notice (NMSN) has been sent to my employer. What can I do?

These forms are automatically sent out when the system adds an employer. If your employer receives a NMSN and you have active Medicaid, please send us a copy of the front and back of the Medicaid cards and a note that you are objecting to the NMSN. We will send a notice to your employer that they do not need to enroll the child(ren) in the health insurance that might be offered.

•PARENTING TIME QUESTIONS•

I feel it's unsafe for my child to go with the other parent for parenting time. If I don't send my child, what will happen?

If you feel a child has been abused or neglected, contact Children's Protective Services right away at 1-855-444-3911. The FOC enforces court ordered parenting time. We cannot tell parties to violate the court order. If a parent is denied their court ordered parenting time, that parent may file a parenting time complaint with our office. Our parenting time department will review the complaint to determine if FOC can process it as enforceable. If the complaint is processed, the parent denying the parenting time will need to respond to the complaint as to why the parenting time was denied. Denial of court ordered parenting time may lead to makeup parenting time, a joint meeting at FOC, or a court hearing before a judge or referee.

Does a holiday take priority over regularly scheduled parenting time?

Yes, unless your court order states differently.

The other party will not return my child and the police department referred me to FOC. How do I get my child back?

We cannot help you with the immediate return of your children. If an order for parenting time was violated, you can submit a parenting time complaint. If you want faster action, you may petition the court or contact your attorney. You can also visit the Legal Assistance Center at 180 Ottawa, 5th Floor.

I am not receiving any child support, do I have to allow parenting time?

Yes. Parenting time and child support are separate parts of a court order with separate enforcement actions. You cannot deny parenting time because you are not receiving payments.

The other parent won't let me see our child. Do I have to pay child support?

Yes. Parenting time and child support are separate parts of a court order with separate enforcement actions. Child support doesn't stop because you are not receiving parenting time.

Can a child refuse to visit or decide where he/she wants to live?

The child cannot make this decision on his or her own until they are 18 years old. It is the custodial parent's responsibility to ensure the child is available for court ordered parenting time.

•INCOME REVIEW QUESTIONS•

I would like to change the child support amount.

You are eligible for an income review every three years, or if there has been a significant change in your financial circumstances, such as a job loss or large change in pay.

Your options:

- Submit a written request to FOC for an income review. If you have asked for a review in the past three years, be sure to provide proof of your significant change in circumstances.
- File an In Pro Per Motion to Change Child Support at the Kent County Courthouse, 180 Ottawa. The forms and instructions are available at www.accesskent.com/foc or in our lobby.
 - ◆ Need help? Visit the Legal Assistance Center on the 5th Floor of the Courthouse.
- Contact an attorney.

My child support changed so now I'm overpaid. When and how will I get my overpayment back?

Some people think the FOC office has a fund that we use to pay overpayments back to the payer of support, but this is not the case. Instead, all payments are applied based on the amount due when the payment is made. The funds are distributed by the MISDU to the payee as soon as possible and cannot be retrieved by us, thus we are not able to pay back overpayments. We have no way of knowing if support will be reduced in the future or if an overpayment will occur as a result.

If an overpayment occurs, and support is currently ordered, FOC may first contact the payee to ask that he or she pay the payer of support back directly. If the payee refuses to repay the payments directly, we send a series of letters asking that he or she agree to reduce future support by a specific amount until the credit is resolved. If he or she does not respond to our letters, we will reduce future support payments by a specific amount, usually a minimum of \$50 a month, until the overpayment is eliminated. This may mean that we ask an employer to withhold less or, if the payer pays on his or her own, ask the payer to pay less each month. If the payee does respond to our letters refusing to resolve the overpayment, you may file an In Pro Per Miscellaneous Motion at the Kent County Courthouse to request repayment.

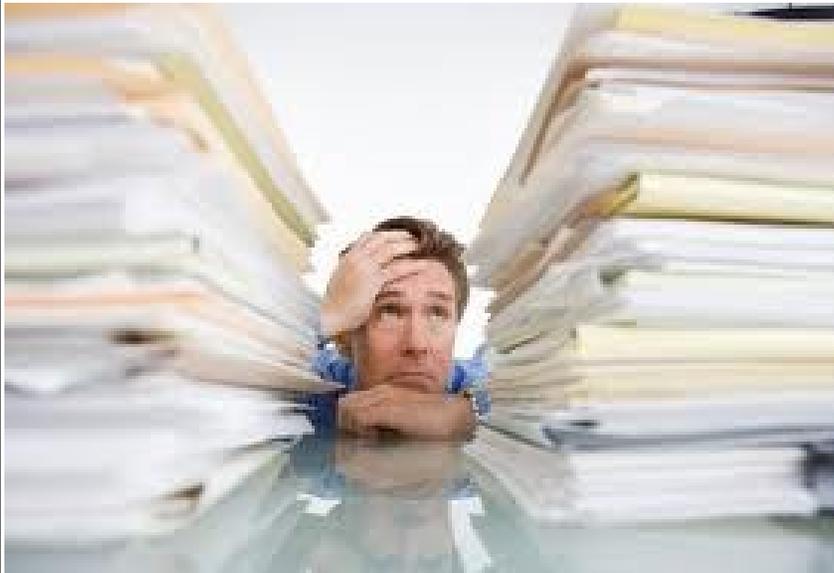
If the case is not charging, the Friend of the Court cannot help you resolve the overpayment. The payer may file an In Pro Per Miscellaneous Motion at the Kent County Courthouse.

Forms and instructions are available at www.accesskent.com/foc, in our lobby, or at the Legal Assistance Center.

- Need help? Visit the Legal Assistance Center on the 5th Floor of the Courthouse.
- You may also contact an attorney.

How Do I?

A Client's "How To" Guide



Request enforcement of child support or schedule a show cause hearing?

FOC has several options available for enforcement. If it has been more than 30 days since you've received a payment, you may contact the FOC office to request enforcement. Your case manager or assistant will then review the case to see if enforcement is appropriate. Enforcement may lead to a show cause hearing being scheduled.

Stop child support because the other parent and I are back together?

Submit an Agreement to Modify Support form, with copies of the photo ID of both parents, stating you and the other party have reconciled and provide proof that you are living together. The form is available at our website accesskent.com/foc or in our lobby. If you are receiving State assistance, please include a copy of your DHS paperwork to show that you are on the same DHS grant.

If you are married, please provide a copy of your marriage license as we may be able to discharge state owed arrears.

Forgive arrears or give the other party credit for direct payments?

If you receive child support, you can complete the Arrears Forgiveness form. The form is available in our lobby. The form can be used to forgive all arrears owed to you or a specific amount. This form can also be used to give credit for direct payments the payer has given to you. Please be sure to include a [copy of your photo ID](#) with this form. Note: Arrears that are owed to the state usually cannot be forgiven, unless the parties are now married.

Please remember that all payments should be made to the MISDU. This way you can be sure that you get credit for the payments you make.

Request mediation for parenting time or custody?

If you would like to change your current court order regarding parenting time and/or custody and both parties are in agreement, you can request mediation. You can find a Mediation Request form at www.accesskent.com/foc or send us a letter with your case number, the reason for the request and your signature. Having both parties' signatures on the same form will speed up the process.

FOC cannot conduct mediation for legal custody or child support issues.

Update my address?

Address changes must be made in writing and include your signature. We cannot update your address over the phone. You may use our Change in Personal Information form or write your request on a piece of paper and sign it. The form is available at our website www.accesskent.com/foc or in our lobby. Please feel free to submit your completed address change by mail, fax, in person, or by emailing a scanned copy.

Change my name in your system?

Name changes must be made in writing. We cannot update your name over the phone. You may use our Change in Personal Information form or write your request on a blank piece of paper. The form is available at our website www.accesskent.com/foc or in our lobby. Be sure to include a copy of a marriage license, updated driver's license, divorce decree or other legal document showing your name change. Please feel free to submit your completed name change by mail, fax, in person, or by emailing a scanned copy.

Make my address confidential?

If it would be dangerous for the other party to have your address, you may complete a sworn statement to make your address confidential in our system. The sworn statement is available at our website www.accesskent.com/foc or in our lobby. This form needs to be notarized. The form asks for an alternate address to list on file. This must be an address that you can receive mail at that can be verified by the post office. Please be sure to list an alternate address or we cannot process your request. If parenting time exchanges take place at your home address, you will also need to file a motion for a different exchange location.

Ask the other party to pay their portion of medical bills not covered by insurance?

If you have out of pocket medical expenses that exceed the ordinary medical obligation, you must first ask the other party to pay their portion of those bills. If the other party does not pay you directly within 28 days, you may file a written request with FOC for health care expense payment. Please refer to the Request for Health Care Expense Payment Brochure for more information. You can find the brochure and forms/instructions for health care reimbursement in the Forms and Publications section of our website.

Contact the Friend of the Court?

You may contact us by email at foc.mail@kentcountymi.gov or by phone at 1-877-543-2660. The office is open to the public from 8 a.m. to 4:30 p.m. Monday through Friday, except on certain holidays. Individuals needing assistance can contact the office by phone, make payment, or request service from Customer Service Representatives any time during those hours. Other child support personnel are available each Tuesday from 8 a.m. until 11:30 a.m. and each Thursday from 1 p.m. until 4 p.m.

Get a copy of my court order?

FOC cannot assist you with obtaining copies of your court order. You can request a copy of your court order from:

Circuit Court Clerk
180 Ottawa NW 2nd Floor
Grand Rapids MI 49503
(616) 632-5480

Get a financial printout? Can they be faxed to me?

The most convenient way to get a financial printout of your case is by signing up for the MiCase (MiChildSupport) website at www.michigan.gov/michildsupport. You can also request that a copy of your printout be mailed to you or sent by encrypted email.

Note: FOC cannot fax financial printouts.

Move my case to a different county?

Cases can only be transferred to another county by court order. The rules for case transfer are covered in MCR 3.212, which provides that a transfer may only be granted if **all** of the following apply:

- The reason for the request is the residence and convenience of the parties or otherwise consistent with the best interests of the child,
- Neither party has resided in the current county for at least six months,
- At least one of the parties has resided in the new county for at least six months,
- The new county is not contiguous (or next to) the current county.

If you meet these conditions and would like to request that your case be transferred, you may file a motion with the Court on your own or through an attorney .

•GENERAL INFORMATION•

PAYMENTS

- All payments are processed by the Michigan State Disbursement Unit (MISDU).
- You can make a payment 24 hours a day, 7 days a week by credit card. There is a fee for payments made by credit card.
 - Online at www.misdu.com
 - Over the phone – 1-877-543-2660
- You may sign up for recurring payments at www.misdu.com
- You may make payments at some 7-11 and Family Dollar stores by signing up at www.misdu.com.
- You may also make a payment:
 - Through the mail – send cashier’s check or money order to: MISDU, PO Box 30351, Lansing MI 48909-7851
 - In the office – cash only - 82 Ionia, 2nd floor, 8:00 a.m. to 4:30 p.m.
- To sign up to view your account online, go to www.michigan.gov/michildsupport.

CONTACTING THE FRIEND OF THE COURT

Kent County FOC
PO Box 351
Grand Rapids MI 49501
Email: FOC.Mail@kentcountymi.gov
Fax Line: 616-632-6871

OFFICE HOURS: 8:00 a.m. – 4:30 p.m. Monday - Friday

Fax and email processing times: It takes time for faxes and emails to be received and processed in our system. Please allow 1 – 2 days before calling to verify we received the documents.

If you don’t have an attorney and need legal information, please visit the Michigan Legal Help Website at:
www.michiganlegalhelp.org

You may also visit:
Legal Assistance Center
180 Ottawa NW, 5th Floor
Tuesday through Friday 8:30 a.m. to 5 p.m.