

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

***** 552.517.amended THIS AMENDED SECTION IS EFFECTIVE DECEMBER 30, 2021 *****

552.517.amended Review of child support order after final judgment; modification order; calculations; petition for modification; scheduling of hearing; petition to require dependent health care coverage; use of guidelines; costs.

Sec. 17. (1) After a final judgment containing a child support order has been entered in a friend of the court case, the office shall use a procedure provided in section 17b to periodically review the order, as follows:

(a) If a child is being supported in whole or in part by public assistance, not less than once every 36 months unless both of the following apply:

(i) The office receives notice from the department that good cause exists not to proceed with support action.

(ii) Neither party has requested a review.

(b) Upon receipt of a written request from either party. Within 14 days after receipt of the review request, the office shall determine whether the order is due for review. The office is not required to act on more than 1 request received from a party every 36 months.

(c) If a child is receiving medical assistance, not less than once every 36 months unless either of the following applies:

(i) The order requires providing health care coverage for the child and neither party has requested a review.

(ii) The office receives notice from the department that good cause exists not to proceed with support action and neither party has requested a review.

(d) If requested by the initiating state for a recipient of services in that state under title IV-D, not less than once each 36 months. Within 14 days after receipt of a review request, the office must determine whether an order is due for review.

(e) At the direction of the court.

(f) At the initiative of the office, if there are reasonable grounds to believe that the amount of child support awarded in the judgment should be modified or that dependent health care coverage should be modified, or both. Reasonable grounds to review an order under this subdivision include any of the following:

(i) Temporary or permanent changes in the physical custody of a child that the court has not ordered.

(ii) Increased or decreased need of the child.

(iii) Probable access by a parent to dependent health care coverage that is accessible to the child and available at a reasonable cost. Health care coverage is presumed accessible to the child and presumed available at a reasonable cost if it meets the guidelines provided in the child support formula developed by the bureau under section 19.

(iv) Changed dependent health care coverage cost from the amount used in the previous child support order.

(v) Changed financial conditions of a recipient of support or a payer, including application for or receipt of public assistance, unemployment compensation, or worker's compensation.

(vi) That the order was based on incorrect facts.

(2) A review initiated by the office under subsection (1)(f) does not preclude the recipient of support or payer from requesting a review under subsection (1)(b).

(3) Within 180 days after determining that a review is required under subsection (1), the office must obtain a modification of the order if appropriate.

(4) The office must use the child support formula developed by the bureau under section 19 in calculating the child support award under section 17b.

(5) The office must petition the court if modification is determined to be necessary under section 17b unless either of the following applies:

(a) The difference between the existing and projected child support award is less than the minimum threshold for modification of a child support amount as established by the formula.

(b) The court previously determined that application of the formula was unjust or inappropriate and the office determines that the facts of the case and the reasons for and amount of the previous deviation remain unchanged.

(6) The notice under section 17b(3) constitutes a petition for modification of the support order and must be filed with the court.

(7) If the office determines there should be no change in the order and a party objects to the determination in writing to the office within 21 days after the date of the notice provided for in section 17b(3), the office

must schedule a hearing before the court.

(8) If a support order lacks provisions for health care coverage, the office must petition the court for a modification to require that 1 or both parents obtain or maintain health care coverage for the benefit of each child who is subject to the support order when health care coverage is accessible to the child and available at a reasonable cost. The office must use the guidelines provided for in the child support formula developed by the bureau under section 19 to recommend which parent provides health care coverage that is accessible to the child and available at a reasonable cost. The office must not petition the court to require both parents to provide health care coverage under this subsection unless both parents already provide coverage or both agree to provide coverage. This subsection does not prevent the court from exercising its discretion to order health care coverage based on the child's needs or the parent's resources.

(9) The office must determine the costs to each parent for dependent health care coverage and child care costs and must disclose those costs in the recommendation under section 17b(3).

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2019, Act 27, Imd. Eff. June 20, 2019;—Am. 2020, Act 349, Eff. Dec. 30, 2021.

Popular name: Friend of the Court