

Child Support Division

The Prosecutor's Office, Child Support Division, in conjunction with the Department of Human Services, establishes Paternity and/or child support obligations for families in Ionia County. The Prosecutor's Office represents the State of Michigan in these matters and not any particular individual party.

In Michigan, both parents owe a duty to support their children. It doesn't matter if the absent parent resides in the State of Michigan or outside the State of Michigan.

We assist families, who receive public assistance and/or those who request our services by filing a Non-Public Assistance Application. Any person can obtain this form from the Department of Human Services or the Ionia County Friend of the Court office.

Getting Started

The Prosecutor's Office works with the Department of Human Services. The Support Specialist can assist in locating the absent parent and filling out any necessary applications or forms. Your caseworker at the DHS Office can assist you in contacting a Support Specialist or you may contact them directly in Detroit at the OCS Southeast Regional office. The toll-free number is (866) 661-0005.

Once the Prosecuting Attorney's Office receives the referral we will schedule an initial interview with the custodial parent or third party custodian.

Initial Interview

During the Interview, all information provided on the referral is verified and all necessary court documents are generated for the custodian's signature. The custodian will be asked to bring all documents requested in the appointment letter such as: a photograph of the defendant, birth certificates of your children or affidavits of parentage, if you are married, a copy of the marriage certificate, if you are divorced, a copy of the divorce decree and any modifications of the divorce decree, if you are a third party custodian, proof of legal custody, employment, four most recent pay stubs, and/or verification of day care expenses.

Paternity Establishment

There are three primary methods in Michigan establishing paternity:

1. Both parties are married at the time of conception and/or birth of the child;
2. Both parties voluntarily execute an Affidavit of Parentage by completing the form and signing it in front of a Notary Public. Hospitals, Support Specialists, County Clerk's Office and/or the Prosecutor's Office, Child Support Division can assist parties in obtaining the Affidavit of Parentage. The Affidavit of Parentage can be mailed to the Paternity Central Registry for filing with the State at the following Address:

Central Paternity Registry
Division for Vital Records & Health Statistics
Michigan Department of Community Health
P.O. Box 30691
3423 North M.L. King Blvd
Lansing, Michigan 48909

There is no fee for filing the Affidavit with the Central Paternity Registry. Once filed, the Affidavit becomes a matter of public record. Certified copies of the Affidavit are available from the Central Registry for \$13.00 (additional copies are \$4.00 each) and can be requested at the time of filing;

3. By Order of the Court when one party files a paternity action against the other party to determine whether the alleged father is or is not the natural father of the subject minor child. The Court Order, called an Order of Filiation, will address child support, custody and parenting time.

Adding a Father to the Birth Certificate

Birth certificates are not automatically changed when an Affidavit is filed, except when completed in the hospital at the time of birth and before the birth has been registered. Changes to registered birth records can be requested based upon a properly completed Affidavit and/or certified copy of the Court Order establishing paternity, but the birth record correction must be requested on a separate application to correct a certificate of birth. There are separate forms for correcting a certificate of birth and a form called adding a father to the birth certificate. There is a fee for each birth record change. Applications to correct a birth certificate and/or add a father to the birth certificate are available from the office of the county clerk at (616) 527-5322 and from the Division for Vital Records at the address listed above.

Paternity Case

A paternity action is filed to determine whether or not the person named as the alleged father is or is not the natural father of the subject minor child. If the alleged father is found to be the natural father, an Order of Filiation is entered naming the alleged father to be the natural father of the minor child based on genetic test results and/or testimony of the Petitioner. The Order also addresses child support, custody and parenting time.

Child Support Case

A Petition for Child Support is filed between legal parents to obtain a Court Order requiring the absent parent to pay child support for his/her minor child(ren). An absent parent is defined as any parent who does not reside in the custodial home with the minor children. Petitions for child support are filed on behalf of a third party custodian, who has the physical care and custody of the minor child(ren), against the absent parents. The parties are considered legal parents when a child is either born during a marriage or paternity has been established.

Interstate Case

When the Absent parent either lives in another state or leaves the State of Michigan, their obligation to support the child(ren) does not end. An Interstate action is any one of the following:

1. An action filed between two states to request another state to enforce an already existing Judgment/Child Support Order and redirect support payments to the custodial parent.
2. An action filed between two states to establish paternity and child support.
3. An action filed between two states to establish child support when the parties are married but are living separate and apart or when paternity has already been established by an acknowledgment of paternity or Court Order.

4. An action filed between two states to register an out of state order in the state, where the absent parent resides (for enforcement only or modification and enforcement), and redirect the child support payment to the custodial parent.

Criminal Non- Support Cases

It is a crime in the State of Michigan to not pay your child support. The Ionia County Friend of the Court refers certain cases that qualify to the Prosecutor's Office for criminal felony prosecution. If you have questions regarding criminal non-support prosecution, please contact the Ionia County Friend of the Court at (616) 527-5310.

Long- Arm Jurisdiction

If the absent parent has had minimal contact pursuant to the Statute, the Prosecutor's Office can file an action in the Michigan court and serve the documents on the absent parent in another state.

Notification to the Absent Parent

The Prosecutor's Office according to the Michigan Court Rules must provide proof to the Court that the absent parent has received a copy of the court action and that he/she has knowledge of the case. The absent parent has a certain number of days from the date of service to file a written answer to the Complaint. During this time a meeting can be scheduled between the Assistant Prosecuting Attorney for Child Support and the absent parent or both parties to discuss a resolution of the case.

Non Cooperation of the Absent Parent

If the absent parent refuses to cooperate or participate in the Court action, the Michigan Court Rules allow the Petitioner to file an Application for Judgment by Default. A Default Judgment is a Judgment entered against an absent parent due to his/her failure to respond to the Plaintiff's action and/or a Judgment which is given without the absent parent being heard.

Genetic Testing

In any paternity action filed by the Prosecutor's Office, genetic testing is available upon request of the parties. The sample collection is completed by buccel swabs. It is important, when appearing for a buccel swab collection that the mother, alleged father and minor child, should not eat or drink anything at least 20 minutes before the scheduled appointment.

Genetic Testing If a Legal Father Exists

If a legal father exists, the Prosecutor's Office cannot provide genetic testing under the IV-D Contract. The legal parents may consult a private attorney and/or schedule their own genetic testing through a laboratory qualified to do genetic testing at his/her own expense.

Husband is Legal Father vs. Biological Father

If a child is conceived or born during a marriage, the husband is the legal father but not always the biological father. The legal father may participate in a court action to obtain a Court Order that may exclude him as the legal father.

Scheduled Hearings

A hearing is scheduled, when the parties cannot agree on a Final Order to establish paternity and/or child support. The issues of custody and parenting time can be addressed this hearing. A default hearing is scheduled when the Defendant fails to answer the Complaint filed against him/her. If a party lives out of state, that party may file a request to participate at the hearing by telephone.

In an Interstate case to establish paternity and/or child support, the custodial parent may or may not participate in scheduled hearings. If the custodial parent does participate, the parent as set forth in the Uniform Interstate Family Support Act may participate by telephone. The custodial party is not required to travel to the other state for a court hearing.

Calculation of Child Support

Child support is calculated using the Michigan Child Support Formula. Both parties' gross incomes are used in the calculation of child support. Day care expense is a part of the calculation of child support as well as medical coverage for the subject minor child(ren).

In an Interstate paternity and/or child support case, the state where the non-custodial parent resides enters an Order in the court granting the relief requested pursuant to the Uniform Interstate Family Support Act. The responding state uses their child support formula to establish the non-custodial parent's child support obligation.

Support Orders

An Order of Filiation and/or an Order for Support specifically set forth the absent parents' child support obligation including any day care expenses, medical coverage reimbursement, reimbursement of any birth expenses paid by the State of Michigan (if applicable), provisions for income withholding, and notification to the Ionia County Friend of the Court of any address change or change of employment as specified by Michigan Statute. Any address change or change of employment must be submitted to the Ionia County Friend of the Court in writing.

Addressing Custody and Parenting Time

The Prosecutor's office does not represent either party in the resolution of custody and parenting time. The Paternity Act and the Family Support Act address these issues. The Prosecutor's Office will put consent agreements in their Orders. If the parties disagree as to these issues, they may consult a private attorney to assist them in a resolution.

In an Interstate child support case or paternity and child support action, custody and visitation is not addressed.

Approval of Judgments of Divorce

All Final Judgments/Court Orders involving child support should be submitted to the Prosecutor's Office for their approval pursuant to Michigan Statute.