

FAMILY SUPPORT AND PATERNITY CASES

Family Support

A parent who is separated from his or her spouse with no divorce pending and has a minor child living with them or a parent who is unmarried, separated from the other parent, has completed an Acknowledgement of Paternity and has a minor child living with them may seek to establish a support obligation under the Family Support Act. This action is usually initiated by the Prosecuting Attorney's office after a referral is made by the Michigan Department of Human Services. The Department will make referrals irrespective of whether a parent is receiving public assistance benefits. A parent may also contact a private attorney to file an action.

If the parents reconcile they must contact the Friend of the Court. If the custodial parent receives public assistance benefits at the time of reconciliation the parents must inform the custodial parent's Department of Human Service's caseworker. If a Family Support action is stopped due to reconciliation the payer will remain responsible for paying any arrearage. Arrearage owed to the state of Michigan cannot be waived.

Entry of a Judgment of Divorce ends a Family Support action. A copy of the Judgment of Divorce must be provided to the Friend of the Court. The payer remains responsible for any arrearage owed at the time of entry of the Judgment.

Paternity

Paternity is the determination of who the father is of a child born out of wedlock. Either parent may request the court to establish paternity. This action is usually initiated by the Prosecuting Attorney's office after a referral is made by the Michigan Department of Human Services. The Department will make referrals irrespective of whether a parent is receiving public assistance benefits. A parent may also contact a private attorney to file an action.

If a mother and father marry after the court orders paternity they must give a copy of their marriage license to the Friend of the Court to stop the support obligation. The payer will remain responsible for any arrearage owed.