

PATERNITY

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What is the prosecutor's role in establishing paternity in Michigan?

After a referral from the DHS, the prosecutor's office interviews the custodial parent and then files a complaint with the Circuit Court. The alleged father is served with a copy of the complaint. Depending on his answer, a consent order may be entered or genetic testing such as a blood test may be ordered. The prosecutor's office arranges for the genetic testing to be done. If the alleged father admits or is found to be the father through the testing, the prosecutor will prepare an Order and present it to the Circuit Court judge for his signature.

What is paternity?

Paternity means "fatherhood". The term "establishing paternity" means legally naming the biological father of the child as the legal father.

Why is it important to establish paternity?

The parents and the child have the right to have a parent-child relationship. In addition, there are these reasons:

- **Identity.** It is important to know who we are. Children who know both parents develop a sense of "belonging".
- **Money.** The law requires both parents to support their children, even if the pregnancy was unplanned. Children supported by just one parent often do not have enough money for their needs.
- **Benefits.** The child has the right to its parents' benefits (social security, insurance, inheritance, veterans', etc.)
- **Medical.** The child may need a complete medical history from the families of both parents, including inherited health problems.

How is legal paternity established?

If the mother is married at the time of conception or when the baby is born, her husband is considered by law to be the father, unless a court says otherwise.

If the mother is married at the time of conception or birth, but her husband is not the biological father of the child, the biological father cannot be considered the legal father unless a court has determined that the husband is not the biological father.

If the mother is not married at the time of conception or birth, or if a court has determined that her husband is not the biological father of the child, paternity can be established by (1) both parents signing a voluntary "Affidavit of Parentage" which is filed with the Michigan Department of Community Health's Office of the State Registrar, or (2) a judge can declare that a man is the legal father after a court case has been started.

How can the biological father voluntarily acknowledge paternity?

Both parents must sign papers acknowledging paternity. The "Affidavit of Parentage" must be notarized and filed with the Michigan Department of Community Health's Office of the State Registrar. Before signing the form in the presence of a notary public, the father must provide pictured identification and his social security number (plus other identification, if necessary). This form can be mailed to the Office of the State Registrar. The county clerk's office or our family support specialist, Robin, can provide the address.

If the parents decide to voluntarily acknowledge paternity, what other steps must be taken?

Besides filing the notarized Affidavit of Parentage with the Michigan Department of Community Health's Office of the State Registrar, the parents should try to agree on issues of child support, parenting time ("visitation"), and custody. If the parents cannot agree, then they must get a court order.

In Otsego County, issues of child custody and visitation are not handled through the Prosecutor's Office when there is a paternity case. These issues are handled by the Friend of the Court office. Other counties may handle these matters differently.

What if the father refuses to acknowledge paternity?

The mother, the father or the DHS may bring a paternity lawsuit to have the matter resolved in court. The alleged father is entitled to a hearing in Circuit Court to prove whether he is the father.

What if the mother is not sure who the father is?

If receiving public assistance, the mother will need to speak with her case investigator at the DHS office for a referral of her case to the Office of Child Support in Lansing, Michigan (*see below*). That person will help the mother to identify and locate, if necessary, the father. If the mother is not on public assistance and wants help, she must contact the Office of Child Support in Lansing, Michigan on her own (*see below*). The mother does not have to be on public assistance to seek help from the DHS Support Specialist.

When is a blood test or genetic testing necessary?

How is a paternity blood test done? How is genetic testing done? What does the testing show? Who pays for the test?

A genetic testing is needed when the alleged father denies or questions paternity. If a test is ordered by the Circuit Court, the mother, child and alleged father will be scheduled for testing. Sometimes, only the child and the father need to be tested.

Genetic testing involves using cotton swabs to remove saliva from the mouth of the mother, child and alleged father. These samples are sent to a laboratory to be tested. The tests compare many different and complex details of the child's saliva with the mother and alleged father's saliva.

The tests can accurately show that a man is not the father of the child, or give a percentage of likelihood that he is the father. The laboratory attempts to establish a percentage above 99% that he is the father or eliminate him as the father. Because of the accuracy, the test result usually settles the issue, so contested paternity trials are rare.

The court will decide who pays for the testing. When the alleged father is shown not to be the father, he does not pay. On the other hand, if the alleged father is shown to be the father, the court usually orders him to pay the cost of the testing.

What happens if the father or mother is not 18? Do you have to wait until they are both 18?

In Michigan, the age of the father and mother are irrelevant.

How long after the child is born can paternity be established?

Michigan law permits paternity actions to be started any time before the child reaches the age of 18. However, a mother should not wait to establish paternity. Your child has the right to expect regular and continued emotional and financial support from both parents. Give your child the best possible chance in life by getting paternity established now!