



PRESS RELEASE

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FOR IMMEDIATE RELEASE

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Giving Children a Brighter Future: Macomb County Prosecutor's Office Secures Grant to Ensure Paternity Rights and Child Support!

The Macomb County Prosecutor's Office has received a grant from the State of Michigan to establish paternity and initial child support orders, as well as enforce nonpayment of child support orders through felony non-support prosecutions.

Under the Paternity Act (722.714 (4)), where the mother is the recipient of public assistance (food, Medicaid, child daycare, or cash assistance), the prosecuting attorney shall initiate a proceeding under this act to determine parentage and to order child support under the child support formula. Where paternity has not yet been established, the Family Support Division of the Macomb County Prosecutor's Office offers DNA testing or the ability to consent to filiation. If DNA excludes the alleged father, the case is dismissed. If DNA confirms parentage, a filiation order is entered by the Circuit Court Judge.

Under the Family Support Act (MCL 552.451), the Macomb County Prosecutor's Office (as the designee of the Michigan Department of Health and Human Services) files civil actions against noncustodial parents who have failed to provide financial assistance for their child or children where the child is the recipient of state assistance.

Once paternity is established or in a family support action, child support is then ordered following a meeting with the parents using a child support formula calculation. Parenting time and Custody is also addressed at this time. If the parents don't agree, the case is either referred directly to the Friend of the Court for an investigation and recommendation or set for a Court hearing for the judge to determine an appropriate order.

Custodial parents who are not on state assistance can also request the services of the Macomb County Prosecutor's Office Family Support Division to establish an initial child support order.

Pregnancy and Birth expenses can also be ordered by the Court to be paid by the father, where the child is born out of wedlock. If the Court determines the expense to be reasonable and

necessary, the amount is proportioned based on a formula to determine the father's responsibility for repayment of the cost of the birth. (Per the statute, the mother is not ordered to repay a portion of the birth expenses) MCL 722.712.

While many parents meet their support obligations every month without the need for court enforcement, many others unfortunately do not support their children. In Michigan, the failure to pay your court-ordered child support is a crime. It is a 4-year felony. (MCL 750.165).

Under the direction of Prosecutor Peter J. Lucido, the Family Support Division has instituted an additional program with Felony Non-support cases. While any parent who fails to pay his or her court-ordered child support where they have the ability to do so could be charged with a felony for each payment they miss, Prosecutor Lucido has instead directed that the office work with payors to get them back on track with their payments so that money is given to the children. The intent of the program is not to charge people with felonies but to have them pay their back child support.

When a case is referred for Felony Non-Support Prosecution, the case is vetted by an assistant prosecutor and an investigator to determine if the parent has the ability to pay the court-ordered child support and has failed to do so. If the original order is too high or the payor now has an inability to work, the parent is directed to the FOC to correct the order. Where a payor does not have the ability to pay, Prosecutor Lucido has directed (as the law requires) that no prosecution occurs.

The program has been successful to date, the Family Support Division is currently working with almost 200 payors who are now consistently making child support payments. The Division has charged 50 payors who either did not or would not make child support payments on their back child support despite having the ability to pay.

The goal has always been for compliance and regular child support payments when court ordered. It has never been the Prosecutor's position to just charge felonies when able, but to have the office of the Prosecutor work with those who are the payors to provide child support payments for their children during their formative years of upbringing.

When the payor fails or refuses to pay for court-ordered child support and doesn't appear to work out a child support arrangement with our office, then our office is forced to seek a criminal charge to obtain compliance through the court order.

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