

## **Child Support Division**

The Child Support Division of the Prosecutor's Office is a part of the Child Support Enforcement (CSE) Program, established in 1975 under Title IV-D of the Social Security Act, to ensure that children are financially supported by both parents.

In cooperation with the Michigan Department of Human Services (DHS) Office of Child Support, we serve residents of Ogemaw County by establishing paternity and/or obtaining child support. Services are available for families receiving public assistance or to families who do not receive assistance but apply for our services through DHS.

The office hours of the Child Support Division are 8:30 am to noon and 1:00 to 4:30 p.m. Monday - Friday. The telephone number is (989) 345-1110.

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The focus of the Ogemaw County Prosecutor's Office Child Support Division is to ensure that every child is supported by their parents. Our goal is to seek and obtain child support orders, obtain repayment of Medicaid disbursements, promote responsibility, and assist single parent families in obtaining financial independence.

Any resident of Ogemaw County who is a parent or guardian and who has custody of a child is eligible for assistance from the Prosecutor's Office regardless of income. Services are available for families who do not receive assistance and families receiving public assistance. In cases where a person is not receiving any type of public assistance we will represent that individual and child in court to obtain child support payments and no fees will be charged. This approach to recovering unpaid child support ensures that all parents fulfill their financial responsibilities to their children.

The Child Support Division will also establish paternity for children whose parents were not married at the time of the child's birth. Sophisticated DNA testing is used to identify the biological father of a child. The Prosecutor's Office then goes to court to obtain a court order legally establishing paternity and ordering child support payments. In addition, the Child Support Division will locate and obtain child support orders against parents who live in different states. In many cases, we are able to do this even if the absent parent lives in a foreign country.

Another important mission of the Child Support Division is to make sure that taxpayers, through Medicaid, do not pay for the birth of children born to families with an absent parent who has the ability to pay. The Prosecutor's Office actively seeks out these parents and obtains recoupment orders, ordering absent parents to repay Medicaid for the hospital bills for their children. This forces accountability on the part of an absent parent and relieves the taxpayer of this expense.

While the Ogemaw County Prosecutor's Office establishes paternity and child support orders it is the job of Friend of the Court to enforce all child support orders in Ogemaw County. When a parent refuses to pay their child support Friend of the Court enforces child support orders through the use of contempt hearing before a judge. Friend of the Court may also seek income

and tax refund withholding orders to ensure support is paid. If contempt orders are ignored and income withholding orders are unsuccessful Friend of the Court can contact the Prosecutor's Office and request a case be reviewed for felony non-support prosecution.

The Ogemaw County Prosecutor's Office aggressively seeks to crack down on dead beat parents and increase collection of back child support, by issuing felony non-support warrants. Prosecutor Schultz has made it a priority to hold parents who are unwilling to live up to their child support orders criminally responsible. The problem of deadbeat parents is not only one that affects the individual families involved, but it affects a whole community which, if not handled swiftly and directly, will create many other social problems in our society.

## FREQUENTLY ASKED QUESTIONS

*How can I start a case?*

You must first contact the Michigan Department of Human Services (DHS) to apply for services provided by the Ogemaw County Prosecutor's Child Support Division. A Child Support Specialist will assist you with the application. Your case will then be referred to the Prosecutor's Office and an appointment will be scheduled for you.

*How do I contact the Department of Human Services to begin?*

You must contact a Child Support Specialist at DHS to begin the referral procedure.

*What happens at my appointment?*

You will be notified of an appointment at the Prosecutor's Child Support Division Office. You should bring to that appointment all the necessary documents such as your child's birth certificate, a copy of any prior acknowledgment of paternity, your marriage certificate if you were married, any government issued I.D., if divorce, the prior judgment of divorce.

You will then meet with a support specialist for an interview. Legal documents will then be prepared for your review and signature. Your case will then be filed with the court by the Prosecutor's Office.

*How is the absent parent notified?*

Once the case is filed, we will schedule an appointment with the absent parent. The issues will be explained. A final Order, resolving the case by consent, may be signed at that time.

If the absent parent lives far away or out of state, we will send them notice of the case by certified mail. They may then contact us by telephone or mail. At times, it is necessary to arrange for papers to be served by an outside agency if the other party does not respond.

*What if the absent parent does not cooperate?*

Once the papers are served, the other party has 21 or 28 days to respond. If they fail to respond, we will set the case for Court and ask the Judge to enter an Order establishing paternity and/or

child support. You will receive a copy of that Order. Payments will then be collected and obligations enforced by the Friend of the Court.

*What is a paternity case?*

We will file a paternity case if you have a child who was conceived and born when you were not married and paternity has not been established. Paternity may be voluntarily acknowledged when both parties sign a legal document witnessed by a notary public. The form is then filed with the Michigan Department of Community Health. Otherwise, paternity may be established by DNA testing and/or a court Order.

*What about DNA testing?*

DNA testing may be arranged in a paternity case filed by our office. All parties are notified of the date and time of their appointment approximately 2 weeks in advance. DNA testing no longer requires blood tests and, instead, the Prosecutor's Office has adopted a less painful method using a cotton swab to obtain samples of an individual's cheek cells.

The DNA results are sent to our office in about 4 weeks. Copies are then mailed to the parties immediately and also provided to the Court. The DNA testing will either determine that there is no possibility of paternity or that the probability of paternity is at least 99%. If the results show that the alleged father is not the biological father, the case is dismissed. If the results are positive, another appointment is set in our office to resolve the case. If a party is ordered to appear for DNA testing and does not, the Court may enter an Order which establishes legal paternity and orders child support.

*What is a child support case?*

We will file a case for child support if a child was born during the marriage of the parties or paternity was previously legally acknowledged. If the parties are married, no divorce action may be pending at the time of filing.

*How is the amount of child support determined?*

Child support is determined in accordance with the Michigan Child Support Guidelines. Calculations are based on the net monthly income of both parties and consider factors such as other children in the home or for whom child support has been previously ordered. A contribution toward childcare costs may also be ordered in addition to child support. Additionally, if the child was born on Medicaid, those costs will be ordered paid by the father in accordance with Michigan laws.

*What if a husband is not the biological father of a child?*

If a mother is married when a child is conceived or born, her husband is presumed to be the legal father unless a court order finds otherwise. This is true even if a child is born within 10 months of a divorce.

If the husband is not the biological father of the child, a court Order must be obtained which specifically identifies the child and finds that he is not the legal father.

*What will the court order include?*

The final court order will include a child support obligation, to be paid by income withhold, a child care contribution, responsibility for medical insurance or uninsured medical expenses, the responsibility to report certain changes in circumstances or coverage to the Friend of the Court, reimbursement for pregnancy and/or childbirth expenses and, if the parties agree, visitation/parenting time and legal custody.

*What if the absent parent lives outside of Michigan?*

We can file a case for paternity and/or child support even if the absent parent lives in another state. In some cases, when that party is a former Michigan resident or other factors exist, we may still be able to file a case in our county.

If there are not sufficient ties to the state of Michigan, an action is filed under the Uniform Interstate Family Support Act (UIFSA). The papers are prepared in our office, filed with our court and forwarded to the state where the absent parent resides. The final court Order must be obtained in the other state.

Although we file these cases immediately, we must depend on the other state to file and process our case when it is received. We cannot control the time it takes another state to obtain an Order. We will monitor the other state's efforts on a regular basis and contact you if additional information is required.

*How is child support collected?*

Child support is withheld from the absent parent's paycheck. If self-employed or unemployed, payment must be made personally. The Ogemaw County Friend of the Court collects and enforces child support obligations once your court Order is obtained. For further information, you may contact them at (989) 345-5520.

**Custody and visitation issues.**

If the parties do not agree on the issues of custody or visitation, the Prosecutor's Office will not represent you in resolving the dispute. You will need to seek a private attorney at that time.