

11 - Paternity

What is paternity?

Paternity is the legal identification of a minor's natural father when the parents are not married.

Why is it important to establish paternity?

When paternity is determined, the child has the same rights to financial support as a child born to married parents.

Paternity can be established until the child reaches 18. Paternity can also be established if the alleged father lives in another state or country.

How do you establish paternity?

The simplest way to establish paternity is for both parents to sign and file an **Affidavit of Parentage** form with the Family Division in the county where the mother or father resides. Forms can be picked up at the Clerk's Office.

What happens next?

The mother and father must both sign the **Affidavit of Parentage** form in front of a notary. The form is then filed with the Family Division at the Court (see locations on reverse side).

What if the mother wants to file and the father doesn't?

Then the family court will make the determination. If the family court determines that he is the legal father, they will issue an Order of Filiation declaring paternity.

How does a mother start paternity proceedings?

If you are receiving public assistance, the County prosecuting attorney's office will help you establish paternity. If you are not receiving public assistance, contact the Family Independence Agency in the County. You may also contact a private attorney.

Is the natural father responsible for any costs?

The **Order of Filiation** entered by the family court may require the father to pay for past child support, medical expenses for the birth of the child, blood testing costs, court costs, and attorney fees.

Child custody or visitation rights are not automatically included. If paternity is established, a court order for child support will be issued by the Family Division judge.

What if the father is no longer living?

If the father has died and you want to show paternity for inheritance purposes, you must file a petition with the Family Division in the county where the father lived. The petition can be filed only if the Family Division has not entered an **Order of Filiation** or the Family Division has no **Affidavit of Parentage** on file. You must prove that the man and the child had a mutually acknowledged father/child relationship before the child turned 18, and continued until the death of either the father or child.

Will the Court change the name on the child's birth certificate?

No. You must send an application for a new birth certificate to the Michigan Department of Public Health along with a fee. Contact the Bureau of Vital Statistics (989) 335-8666 in Lansing for the form, and fee amount.

What if the father wants to file but the mother doesn't?

The father can go before a Family Division judge and ask the Court for permission to file an Affidavit of Parentage without the mother's signature.

