

# Prosecuting Attorneys Association of Michigan

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April 29, 2014

Mr. Larry Royster  
Clerk of the Michigan Supreme Court  
PO Box 30052  
Lansing, MI 48909

RE: ADM File No. 2010-32  
Proposed Amendment to MCR 3.210

Dear Mr. Royster,

On behalf of the Prosecuting Attorneys Association of Michigan I am writing to inform you of our opposition to this proposal. As written, this rule will require a hearing before either a default judgment or consent judgment can be entered in a domestic relations matter. Michigan's prosecutors conduct almost all of the court proceedings under the Paternity Act, the Family Support Act and the Uniform Interstate Family Support Act. Only rarely does a private attorney bring an action under these statutes.

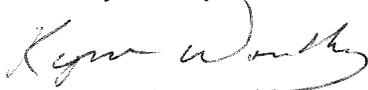
As noted in the letters from the Ingham and Kent County Prosecuting Attorneys opposing this proposal, this change would result in 2,400 additional hearings just in those two counties. When you extrapolate those numbers statewide, you can see that it will greatly impact not only prosecutors' offices, but will place a substantial strain on court resources. And for what benefit? Do we really expect defendants who have ignored court process and received a default notice to suddenly decide to exercise their rights and appear at a default judgment hearing? In our experience the answer is no.

And why should there be a hearing to enter a consent judgment? Every defendant who deals with a prosecutors' office has the opportunity to take a genetic test. Child support is calculated under the child support guidelines. The judgment models the uniform support order, and anyone who doesn't consent has the opportunity to contest paternity, custody, parenting time and child support.

In conclusion, we would urge the court to take any of the following actions:

1. Decline the proposal.
2. Adopt the amendments proposed by the Kent and Ingham county prosecuting attorneys.
3. Refer this proposal to a work group of prosecuting attorneys and family court judges to see if we can develop acceptable language.

Thank you for your consideration.

  
Kym Worthy, President