



HOUSE BILL No. 5632

February 27, 1996, Introduced by Reps. Weeks, McBryde, Gernaat, Cropsey, Law, Bodem, Middaugh, Bush, Dalman, Nye, DeMars, DeLange, McManus, Ryan and Geiger and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 7, 10, and 11 of Act No. 205 of the Public Acts of 1956, entitled

"The paternity act,"

sections 7 and 10 as amended by Act No. 388 of the Public Acts of 1994 and section 11 as amended by Act No. 244 of the Public Acts of 1990, being sections 722.717, 722.720, and 722.721 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7, 10, and 11 of Act No. 205 of the
2 Public Acts of 1956, sections 7 and 10 as amended by Act No. 388
3 of the Public Acts of 1994 and section 11 as amended by Act
4 No. 244 of the Public Acts of 1990, being sections 722.717,
5 722.720, and 722.721 of the Michigan Compiled Laws, are amended
6 to read as follows:

1 Sec. 7. (1) The court shall enter an order of filiation
2 declaring paternity and providing for the support of the child
3 under any of the following circumstances:

4 (a) The finding of the court or the verdict is against the
5 defendant father.

6 (b) The defendant father acknowledges paternity either
7 orally to the court or by filing with the court a written
8 acknowledgment of paternity.

9 (c) The defendant father is served with summons and a
10 default judgment is entered against him.

11 (2) An order of filiation entered under subsection (1) shall
12 specify the sum to be paid weekly or otherwise, until the child
13 reaches the age of 18. Subject to section ~~7a~~ 30 OF THE SUPPORT
14 AND VISITATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF
15 1982, BEING SECTION 552.630 OF THE MICHIGAN COMPILED LAWS, the
16 court may also order support for a child after he or she reaches
17 18 years of age. In addition to providing for the support of the
18 child, the order shall also provide for the payment of the neces-
19 sary expenses incurred by or for the mother in connection with
20 her confinement, for the funeral expenses if the child has died,
21 for the support of the child ~~prior to~~ BEFORE the entry of the
22 order of filiation, and for the expenses in connection with the
23 pregnancy of the mother or of the proceedings as the court con-
24 siders proper. However, if proceedings under this act are com-
25 menced after the lapse of more than 6 years from the birth of the
26 child, an amount shall not be awarded for expenses or support

1 that accrued before the date on which the complaint was filed
2 unless any of the following circumstances exists:

3 (a) Paternity has been acknowledged by the father in writing
4 in accordance with statutory provisions.

5 (b) One or more payments were made for support of the child
6 during the 6-year period and proceedings are commenced within 6
7 years ~~from~~ AFTER the date of the most recent payment.

8 (c) The defendant was out of the state, was avoiding service
9 of process, or threatened or coerced the complainant not to file
10 a proceeding under this act during the 6-year period. The court
11 may award an amount for expenses or support that accrued before
12 the date the complaint was filed if the complaint was filed
13 within a period of time equal to the sum of 6 years and the time
14 that the defendant was out of state, was avoiding service of pro-
15 cess, or threatened or coerced the complainant not to file a pro-
16 ceeding under this act.

17 ~~(3) Except as otherwise provided in this section, the court~~
18 ~~shall order support in an amount determined by application of the~~
19 ~~child support formula developed by the state friend of the court~~
20 ~~bureau. The court may enter an order that deviates from the for-~~
21 ~~mula if the court determines from the facts of the case that~~
22 ~~application of the child support formula would be unjust or inap-~~
23 ~~propriate and sets forth in writing or on the record all of the~~
24 ~~following:~~

25 ~~(a) The support amount determined by application of the~~
26 ~~child support formula.~~

1 ~~(b) How the support order deviates from the child support~~
2 ~~formula.~~

3 ~~(c) The value of property or other support awarded instead~~
4 ~~of the payment of child support, if applicable.~~

5 ~~(d) The reasons why application of the child support formula~~
6 ~~would be unjust or inappropriate in the case.~~

7 ~~(4) Subsection (3) does not prohibit the court from entering~~
8 ~~a support order that is agreed to by the parties and that devi-~~
9 ~~ates from the child support formula, if the requirements of sub-~~
10 ~~section (3) are met.~~

11 ~~(5) Beginning January 1, 1991, each support order entered by~~
12 ~~the court shall provide that each party keep the office of the~~
13 ~~friend of the court informed of both of the following:~~

14 ~~(a) The name and address of his or her current source of~~
15 ~~income. As used in this subdivision, "source of income" means~~
16 ~~that term as defined in section 2 of the support and visitation~~
17 ~~enforcement act, Act No. 295 of the Public Acts of 1982, being~~
18 ~~section 552.602 of the Michigan Compiled Laws.~~

19 ~~(b) Any health care coverage that is available to him or her~~
20 ~~as a benefit of employment or that is maintained by him or her,~~
21 ~~the name of the insurance company, health care organization, or~~
22 ~~health maintenance organization, the policy, certificate, or con-~~
23 ~~tract number, and the names and birth dates of the persons for~~
24 ~~whose benefit he or she maintains health care coverage under the~~
25 ~~policy, certificate, or contract.~~

26 ~~(6) For the purposes of this act, "support" may include~~
27 ~~payment of medical, dental, and other health care expenses, child~~

~~1 care expenses, and educational expenses. The court shall require
2 that 1 or both parents obtain or maintain any health care cover-
3 age that is available to them at a reasonable cost, as a benefit
4 of employment, for the benefit of a child who is the subject of
5 an order of filiation under this section. If a parent is
6 self-employed and maintains health care coverage, the court shall
7 require the parent to obtain or maintain dependent coverage for
8 the benefit of the child, if available at a reasonable cost.~~

9 (3) ~~-(7)-~~ A judgment or order entered under this act provid-
10 ing for the support of a child or payment of expenses in connec-
11 tion with the mother's confinement or pregnancy SHALL CONTAIN THE
12 PROVISIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY,
13 AND is enforceable as provided in the support and visitation
14 enforcement act, Act No. 295 of the Public Acts of 1982, being
15 sections 552.601 to 552.650 of the Michigan Compiled Laws. IF
16 THIS ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
17 ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN
18 THE SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN
19 REGARD TO THAT PROVISION.

20 (4) ~~-(8)-~~ Upon entry of an order of filiation, the clerk of
21 the court shall collect a fee of \$35.00 from the person against
22 whom the order of filiation is entered. The clerk shall retain
23 \$9.00 of the fee and remit the \$26.00 balance, along with a writ-
24 ten report of the order of filiation, to the director of public
25 health. The report shall be on a form prescribed by or in a
26 manner approved by the director of public health. Regardless of
27 whether the fee required by this section is collected, the clerk

1 shall transmit and the department of public health shall receive
2 the report of the order of filiation.

3 (5) ~~(9)~~ If an order of filiation is abrogated by a later
4 judgment or order of a court, the clerk of the court that entered
5 the order shall immediately communicate that fact to the director
6 of public health on a form prescribed by the director of public
7 health.

8 (6) ~~(10)~~ Within the time prescribed by court rule, the
9 party, attorney, or agency that secures the signing of an order
10 of filiation shall serve a copy of the order on all parties to
11 the action and file proof of service with the court clerk.

12 Sec. 10. ~~(1)~~ The court has continuing jurisdiction over
13 proceedings brought under this act to increase or decrease the
14 amount fixed by the order of filiation subject to ~~section 7(3)~~
15 ~~or (4)~~ SECTION 7, and to provide for, change, and enforce provi-
16 sions of the order relating to the custody, support, or visita-
17 tion of the child.

18 ~~(2) Beginning January 1, 1991, each support order modified~~
19 ~~by the court shall provide that each party shall keep the office~~
20 ~~of the friend of the court informed of both of the following:~~

21 ~~(a) The name and address of his or her current source of~~
22 ~~income. As used in this subdivision, "source of income" means~~
23 ~~that term as defined in section 2 of the support and visitation~~
24 ~~enforcement act, Act No. 295 of the Public Acts of 1982, being~~
25 ~~section 552.602 of the Michigan Compiled Laws.~~

26 ~~(b) Any health care coverage that is available to the party~~
27 ~~as a benefit of employment or that is maintained by the party;~~

~~1 the name of the insurance company, health care organization, or~~
~~2 health maintenance organization; the policy, certificate, or con-~~
~~3 tract number; and the names and birth dates of the persons for~~
~~4 whose benefit the party maintains health care coverage under the~~
~~5 policy, certificate, or contract.~~

6 Sec. 11. (1) ~~(a)~~ If a mother of a child born out of wed-
7 lock possesses property and fails to support and educate her
8 child, the court having jurisdiction, on application of the
9 guardian or next friend of the child, or the ~~department of~~
10 ~~social services~~ FAMILY INDEPENDENCE AGENCY if the child is being
11 supported in whole or in part by public assistance, may ~~examine~~
12 ~~into~~ INVESTIGATE the matter and, after a hearing and subject to
13 ~~section 7(3) or (4)~~ SECTION 7, may make an order charging the
14 mother with the payment of money weekly or otherwise for the sup-
15 port and education of the child.

16 (2) ~~(b)~~ The court may require the mother to give security,
17 by bond, with sufficient sureties approved by the court for the
18 payment as directed by the order. In case of default under
19 ~~such~~ THE bond, the ~~same~~ BOND shall be enforced in ~~like~~ THE
20 manner ~~as is~~ provided in section 9.

21 (3) ~~(c) Nothing in this~~ THIS section ~~shall be deemed to~~
22 DOES NOT relieve the father from liability for support and educa-
23 tion of the child in accordance with ~~the provisions of~~ this
24 act.

25 Section 2. Section 7a of Act No. 205 of the Public Acts of
26 1956, being section 722.717a of the Michigan Compiled Laws, is
27 repealed.

1 Section 3. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5634 (request
3 no. 05707'95) of the 88th Legislature is enacted into law.