

# HOUSE BILL No. 4021

January 8, 1997, Introduced by Rep. McNutt and referred to the Committee on Judiciary.

A bill to amend 1956 PA 205, entitled  
"The paternity act,"  
by amending sections 1 and 7b (MCL 722.711 and 722.717b), section  
1 as amended by 1986 PA 107 and section 7b as amended by 1996 PA  
308, and by adding section 7c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (A) "BEST INTERESTS OF THE CHILD" MEANS THAT TERM AS DEFINED  
3 IN SECTION 3 OF THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL  
4 722.23.

5       (B) "CHILD" MEANS A CHILD BORN OUT OF WEDLOCK.

6       (C) ~~-(a)-~~ "Child born out of wedlock" means ~~-a-~~ ANY OF THE  
7 FOLLOWING:

8       (i) A child ~~-begotten and-~~ born to a woman who was not  
9 married ~~-from-~~ AT the TIME OF conception. ~~-to-~~

1 (ii) A CHILD BORN TO A WOMAN WHO WAS NOT MARRIED AT the date  
2 of birth of the child. ~~, or a~~

3 (iii) A child ~~which~~ THAT the court ~~has determined~~  
4 DETERMINES to be a child born or conceived during a marriage but  
5 not the issue of that marriage.

6 ~~(b) "Child" means a child born out of wedlock.~~

7 ~~(c) "Mother" means the mother of a child born out of~~  
8 ~~wedlock.~~

9 (d) "Court" means the circuit court.

10 (E) "ESTABLISHED CUSTODIAL ENVIRONMENT" MEANS THAT CONCEPT  
11 AS DESCRIBED AND CONSTRUED UNDER SECTION 7 OF THE CHILD CUSTODY  
12 ACT OF 1970, 1970 PA 91, MCL 722.27.

13 (F) "MOTHER" MEANS THE MOTHER OF A CHILD BORN OUT OF  
14 WEDLOCK.

15 Sec. 7b. If the court makes a determination of paternity  
16 and there is no dispute regarding custody, the court shall  
17 include in the order of filiation specific provisions for the  
18 custody and parenting time of the child as provided IN SECTION 7C  
19 AND in the child custody act of 1970, ~~Act No. 91 of the Public~~  
20 ~~Acts of 1970, being sections 722.21 to 722.29 of the Michigan~~  
21 ~~Compiled Laws~~ 1970 PA 91, MCL 722.21 TO 722.30. If there is a  
22 dispute between the parties concerning custody or parenting time,  
23 the court shall immediately enter an order that establishes sup-  
24 port and temporarily establishes custody of and parenting time  
25 with the child. Pending a hearing on or other resolution of the  
26 dispute, the court may also refer the matter to the friend of the  
27 court for a report and recommendation as provided in section 5 of

1 the friend of the court act, ~~Act No. 294 of the Public Acts of~~  
2 ~~1982, being section 552.505 of the Michigan Compiled Laws~~ 1982  
3 PA 294, MCL 552.505. In a dispute regarding custody or parenting  
4 time, the prosecuting attorney, an attorney appointed by the  
5 county, or an attorney appointed by the court under section 4  
6 shall not be required to represent either party regarding that  
7 dispute.

8 SEC. 7C. (1) IF AN INDIVIDUAL ESTABLISHES PATERNITY OF A  
9 CHILD WHO IS A CHILD BORN OUT OF WEDLOCK UNDER THE DEFINITION  
10 PRESCRIBED BY SECTION 1(C)(*iii*) AND IF THAT INDIVIDUAL HAS NOT  
11 ESTABLISHED A RELATIONSHIP WITH THE CHILD, EITHER AS A CUSTODIAN,  
12 THROUGH PARENTING TIME, OR OTHERWISE, THEN THE COURT SHALL NOT  
13 CHANGE THE CHILD'S ESTABLISHED CUSTODIAL ENVIRONMENT UNLESS EVI-  
14 DENCE IS PRESENTED THAT PROVES BEYOND A REASONABLE DOUBT THAT THE  
15 CHANGE IS IN THE BEST INTERESTS OF THE CHILD.

16 (2) IF AN INDIVIDUAL ESTABLISHES PATERNITY OF A CHILD UNDER  
17 THIS ACT AND SEEKS PARENTING TIME WITH THE CHILD, WHEN DETERMIN-  
18 ING THE FREQUENCY, DURATION, AND TYPE OF THE PARENTING TIME, THE  
19 COURT SHALL CONSIDER THE EXTENT TO WHICH THE INDIVIDUAL HAS  
20 ESTABLISHED A RELATIONSHIP WITH THE CHILD.

21 Enacting section 1. This amendatory act does not take  
22 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
23 (request no. 00080'97 a) of the 89th Legislature is enacted into  
24 law.