

**SB 320, As Passed Senate, April 24, 2001**

**SUBSTITUTE FOR  
SENATE BILL NO. 320**

A bill to amend 1956 PA 205, entitled  
"The paternity act,"  
by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and  
722.721), section 7 as amended by 1996 PA 308, section 10 as  
amended by 1996 PA 18, and section 11 as amended by 1990 PA 244;  
and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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 1 or more of the following circumstances:

4       (a) The finding of the court or the verdict determines that  
5 the man is the father.

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

**SB 320, As Passed Senate, April 24, 2001**

Senate Bill No. 320

2

1 (c) The defendant is served with summons and a default  
2 judgment is entered against him or her.

3 (2) An order of filiation entered under subsection (1) shall  
4 specify the sum to be paid weekly or otherwise, AS PRESCRIBED IN  
5 SECTION 5 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982  
6 PA 295, MCL 552.605, until the child reaches the age of 18.  
7 Subject to section ~~7a~~ 5B OF THE SUPPORT AND PARENTING TIME  
8 ENFORCEMENT ACT, 1982 PA 295, MCL 552.605B, the court may also  
9 order support for a child after he or she reaches 18 years of  
10 age. In addition to providing for the support of the child, the  
11 order shall also provide for the payment of the necessary  
12 expenses incurred by or for the mother in connection with her  
13 confinement, for the funeral expenses if the child has died, for  
14 the support of the child before the entry of the order of filia-  
15 tion, and for the expenses in connection with the pregnancy of  
16 the mother or of the proceedings as the court considers proper.  
17 However, if proceedings under this act are commenced after the  
18 lapse of more than 6 years ~~from~~ AFTER the birth of the child,  
19 an amount shall not be awarded for expenses or support that  
20 accrued before the date on which the complaint was filed unless 1  
21 or more of the following circumstances exist:

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

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

**SB 320, As Passed Senate, April 24, 2001**

Senate Bill No. 320

3

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

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

18       ~~(a) The support amount determined by application of the~~  
19 ~~child support formula.~~

20       ~~(b) How the support order deviates from the child support~~  
21 ~~formula.~~

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

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

26       ~~(4) Subsection (3) does not prohibit the court from entering~~  
27 ~~a support order that is agreed to by the parents and that~~

**SB 320, As Passed Senate, April 24, 2001**

Senate Bill No. 320

4

1 ~~deviates from the child support formula, if the requirements of~~  
2 ~~subsection (3) are met.~~

3 ~~(5) Beginning January 1, 1991, each support order entered by~~  
4 ~~the court shall provide that each parent keep the office of the~~  
5 ~~friend of the court informed of both of the following:~~

6 ~~(a) The name and address of the parent's current source of~~  
7 ~~income. As used in this subdivision, "source of income" means~~  
8 ~~that term as defined in section 2 of the support and parenting~~  
9 ~~time enforcement act, Act No. 295 of the Public Acts of 1982,~~  
10 ~~being section 552.602 of the Michigan Compiled Laws.~~

11 ~~(b) The health care coverage that is available to the parent~~  
12 ~~as a benefit of employment or that is maintained by the parent;~~  
13 ~~the name of the insurance company, nonprofit health care corpora-~~  
14 ~~tion, or health maintenance organization; the policy, certifi-~~  
15 ~~cate, or contract number; and the names and birth dates of the~~  
16 ~~persons for whose benefit the parent maintains health care cover-~~  
17 ~~age under the policy, certificate, or contract.~~

18 ~~(6) For the purposes of this act, "support" may include pay-~~  
19 ~~ment of medical, dental, and other health care expenses, child~~  
20 ~~care expenses, and educational expenses. The court shall require~~  
21 ~~that 1 or both parents obtain or maintain any health care cover-~~  
22 ~~age that is available to them at a reasonable cost, as a benefit~~  
23 ~~of employment, for the benefit of a child who is the subject of~~  
24 ~~an order of filiation under this section. If a parent is~~  
25 ~~self-employed and maintains health care coverage, the court shall~~  
26 ~~require the parent to obtain or maintain dependent coverage for~~  
27 ~~the benefit of the child, if available at a reasonable cost.~~

**SB 320, As Passed Senate, April 24, 2001**

Senate Bill No. 320

5

1       (3) ~~(7)~~ A judgment or order entered under this act  
2 providing for the support of a child or payment of expenses in  
3 connection with the mother's confinement or pregnancy is enforce-  
4 able as provided in ~~Act No. 295 of the Public Acts of 1982,~~  
5 ~~being sections 552.601 to 552.650 of the Michigan Compiled Laws~~  
6 THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL  
7 552.601 TO 552.650. IF THIS ACT CONTAINS A SPECIFIC PROVISION  
8 REGARDING THE CONTENTS OR ENFORCEMENT OF A SUPPORT ORDER THAT  
9 CONFLICTS WITH A PROVISION IN THE SUPPORT AND PARENTING TIME  
10 ENFORCEMENT ACT, 1982 PA 295, MCL 552.601 TO 552.650, THIS ACT  
11 CONTROLS IN REGARD TO THAT PROVISION.

12       (4) ~~(8)~~ Upon entry of an order of filiation, the clerk of  
13 the court shall collect a fee of \$35.00 from the person against  
14 whom the order of filiation is entered. The clerk shall retain  
15 \$9.00 of the fee and remit the \$26.00 balance, along with a writ-  
16 ten report of the order of filiation, to the director of ~~public~~  
17 THE DEPARTMENT OF COMMUNITY health. The report shall be on a  
18 form prescribed by or in a manner approved by the director OF THE  
19 DEPARTMENT of community health. Regardless of whether the fee  
20 required by this section is collected, the clerk shall transmit  
21 and the department of community health shall receive the report  
22 of the order of filiation.

23       (5) ~~(9)~~ If an order of filiation or acknowledgment of par-  
24 entage is abrogated by a later judgment or order of a court, the  
25 clerk of the court that entered the order shall immediately com-  
26 municate that fact to the director OF THE DEPARTMENT of community  
27 health on a form prescribed by the director of ~~public~~ THE

**SB 320, As Passed Senate, April 24, 2001**

Senate Bill No. 320

6

1 DEPARTMENT OF COMMUNITY health. An order of filiation supersedes  
2 an acknowledgment of parentage.

3       (6) ~~(10)~~ Within the time prescribed by court rule, the  
4 party, attorney, or agency that secures the signing of an order  
5 of filiation shall serve a copy of the order on all parties to  
6 the action and file proof of service with the court clerk.

7       Sec. 10. ~~(1)~~ The court has continuing jurisdiction over  
8 proceedings brought under this act to increase or decrease the  
9 amount fixed by the order of filiation subject to section ~~7(3)~~  
10 ~~or (4)~~ 7, and to provide for, change, and enforce provisions of  
11 the order relating to the custody or support of or parenting time  
12 with the child.

13       ~~(2)~~ Beginning January 1, 1991, each support order modified  
14 by the court shall provide that each parent shall keep the office  
15 of the friend of the court informed of both of the following:

16       (a) The name and address of the parent's current source of  
17 income. As used in this subdivision, "source of income" means  
18 that term as defined in section 2 of the support and parenting  
19 time enforcement act, Act No. 295 of the Public Acts of 1982,  
20 being section 552.602 of the Michigan Compiled Laws.

21       (b) The health care coverage that is available to the parent  
22 as a benefit of employment or that is maintained by the parent;  
23 the name of the insurance company, nonprofit health care corpora=  
24 tion, or health maintenance organization; the policy, certifi=  
25 cate, or contract number; and the names and birth dates of the  
26 persons for whose benefit the parent maintains health care  
27 coverage under the policy, certificate, or contract.

**SB 320, As Passed Senate, April 24, 2001**

Senate Bill No. 320

7

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

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

16       (3) ~~(c)~~ ~~Nothing in this~~ THIS section ~~shall be deemed to~~  
17 DOES NOT relieve the father from liability for THE CHILD'S sup-  
18 port and education ~~of the child~~ in accordance with ~~the provi-~~  
19 ~~sions of~~ this act.

20       Enacting section 1. Section 7a of the paternity act, 1956  
21 PA 205, MCL 722.717a, is repealed.

22       Enacting section 2. This amendatory act takes effect  
23 September 30, 2001.

24       Enacting section 3. This amendatory act does not take  
25 effect unless Senate Bill No. 317 of the 91st Legislature is  
26 enacted into law.