

HOUSE BILL No. 4775

May 28, 2003, Introduced by Reps. Koetje, Voorhees and Vander Veen and referred to the Committee on Judiciary.

A bill to amend 1956 PA 205, entitled
"The paternity act,"
by amending section 7 (MCL 722.717), as amended by 2001 PA 109.

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 the
7 court or by filing with the court a written acknowledgment of
8 paternity.

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

11 (2) An order of filiation entered under subsection (1) shall

1 specify the sum to be paid weekly or otherwise, as prescribed in
2 section 5 of the support and parenting time enforcement act, 1982
3 PA 295, MCL 552.605, until the child reaches the age of 18.
4 Subject to section 5b of the support and parenting time
5 enforcement act, 1982 PA 295, MCL 552.605b, the court may also
6 order support for a child after he or she reaches 18 years of
7 age. In addition to providing for the support of the child, the
8 order shall also provide for the payment of the necessary
9 expenses incurred by or for the mother in connection with her
10 confinement ~~— and pregnancy and~~ for the funeral expenses if the
11 child has died, ~~for the support of the child before the entry of~~
12 ~~the order of filiation, and for the expenses in connection with~~
13 ~~the pregnancy of the mother or of the proceedings as the court~~
14 ~~considers proper. However, if proceedings under this act are~~
15 ~~commenced after the lapse of more than 6 years after the birth of~~
16 ~~the child, an amount shall not be awarded for expenses or support~~
17 ~~that accrued before the date on which the complaint was filed~~
18 ~~unless 1 or more of the following circumstances exist:~~
19 ~~—— (a) Paternity has been acknowledged by the father in writing~~
20 ~~in accordance with statutory provisions.~~
21 ~~—— (b) One or more payments were made for support of the child~~
22 ~~during the 6-year period and proceedings are commenced within 6~~
23 ~~years after the date of the most recent payment.~~
24 ~~—— (c) The defendant was out of the state, was avoiding service~~
25 ~~of process, or threatened or coerced the complainant not to file~~
26 ~~a proceeding under this act during the 6-year period. The court~~
27 ~~may award an amount for expenses or support that accrued before~~

~~1 the date the complaint was filed if the complaint was filed~~
~~2 within a period of time equal to the sum of 6 years and the time~~
~~3 that the defendant was out of state, was avoiding service of~~
~~4 process, or threatened or coerced the complainant not to file a~~
~~5 proceeding under this act.~~ as determined by the court under
6 section 2. A child support obligation is only retroactive to the
7 date that the paternity complaint was filed unless 1 or both of
8 the following circumstances exist:

9 (a) The defendant was avoiding service of process.

10 (b) The defendant threatened or coerced through domestic
11 violence or other means the complainant not to file a proceeding
12 under this act.

13 (3) A judgment or order entered under this act providing for
14 the support of a child or payment of expenses in connection with
15 the mother's confinement ~~or pregnancy~~ is enforceable as
16 provided in the support and parenting time enforcement act, 1982
17 PA 295, MCL 552.601 to 552.650. If this act contains a specific
18 provision regarding the contents or enforcement of a support
19 order that conflicts with a provision in the support and
20 parenting time enforcement act, 1982 PA 295, MCL 552.601 to
21 552.650, this act controls in regard to that provision.

22 (4) Upon entry of an order of filiation, the clerk of the
23 court shall collect a fee of \$35.00 from the person against whom
24 the order of filiation is entered. The clerk shall retain \$9.00
25 of the fee and remit the \$26.00 balance, along with a written
26 report of the order of filiation, to the director of the
27 department of community health. The report shall be on a form

1 prescribed by or in a manner approved by the director of the
2 department of community health. Regardless of whether the fee
3 required by this section is collected, the clerk shall transmit
4 and the department of community health shall receive the report
5 of the order of filiation.

6 (5) If an order of filiation or acknowledgment of parentage
7 is abrogated by a later judgment or order of a court, the clerk
8 of the court that entered the order shall immediately communicate
9 that fact to the director of the department of community health
10 on a form prescribed by the director of the department of
11 community health. An order of filiation supersedes an
12 acknowledgment of parentage.

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