

# HOUSE BILL No. 4883

August 24, 2011, Introduced by Reps. MacMaster and Potvin and referred to the Committee on Judiciary.

A bill to amend 1956 PA 205, entitled  
"The paternity act,"  
by amending section 2 (MCL 722.712), as amended by 2009 PA 235.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) The parents of a child born out of wedlock are  
2       liable for all of the following:

3       (a) The medical expenses connected to the mother's pregnancy.

4       (b) The medical expenses connected to the birth of the child.

5       (c) The necessary support and education of the child.

6       (d) The child's funeral expenses.

7       (2) Subject to subsection (3), if medicaid has not paid a  
8       medical expense described in subsection (1)(a) or (b), on request  
9       from a parent, the court in an action brought under this act shall  
10      do all of the following:

1 (a) If the court determines the expense to be reasonable and  
2 necessary, apportion the expense between the parents based on each  
3 parent's ability to pay and on any other relevant factor, in the  
4 same manner as health care expenses of a child are divided under  
5 the child support formula established under section 19 of the  
6 friend of the court act, 1982 PA 294, MCL 552.519.

7 (b) In the court's discretion, if 1 parent has paid the  
8 expense, require the parent who did not pay the expense to pay his  
9 or her share of the expense to the other parent.

10 (c) In the court's discretion, at the request of a person  
11 other than a parent who has paid the expense, order a parent  
12 against whom the request is made to pay to the person the parent's  
13 share of the expense.

14 (d) On request from a parent, require an itemized bill for the  
15 expense before making an apportionment under this subsection.

16 (3) Subject to subsection (4), if medicaid has paid a medical  
17 expense described in subsection (1)(a) or (b), on request from the  
18 office of child support or its designee, the court in an action  
19 brought under this act shall do all of the following:

20 (a) Determine the amount of the expense that is reasonable and  
21 necessary by using the actuarially based case rate established and  
22 certified by the department of community health or the amount of  
23 the expense certified by the department of community health.

24 (b) Apportion the amount determined under subdivision (a) to  
25 the father using the method established under section 3(o) of the  
26 office of child support act, 1971 PA 174, MCL 400.233.

27 (c) Require the father to pay the amount apportioned to the

1 father under subdivision (b) to the medicaid agency through the  
2 state disbursement unit.

3 (d) Not require the mother to pay any of the expenses.

4 (4) If a pregnancy or a complication of a pregnancy has been  
5 determined in another proceeding to have been the result of either  
6 a physical or sexual battery by a party to the case, the court  
7 shall apportion the medical expenses described in subsection (1)(a)  
8 and (b) to the party who was the perpetrator of the battery.

9 (5) A court order entered under subsection (2) or (3) shall  
10 provide that if the father marries the mother after the birth of  
11 the child and provides a copy of the marriage license or other  
12 documentation of the marriage to the friend of the court, the  
13 father's obligation for payment of any unpaid medical expense  
14 described in subsection (1)(a) or (b) is abated subject to  
15 reinstatement after notice and hearing for good cause shown,  
16 including, but not limited to, dissolution of the marriage. An  
17 expense abated under this subsection is abated as of the date that  
18 documentation of the marriage is provided to the friend of the  
19 court.

20 (6) A COURT ORDER ENTERED UNDER SUBSECTION (2) OR (3) SHALL  
21 PROVIDE THAT IF THE FATHER OBTAINS SOLE CUSTODY OF THE CHILD UNDER  
22 A COURT ORDER AND PROVIDES A COPY OF THE COURT ORDER TO THE FRIEND  
23 OF THE COURT, THE FATHER'S OBLIGATION FOR PAYMENT OF ANY UNPAID  
24 MEDICAL EXPENSE DESCRIBED IN SUBSECTION (1)(A) OR (B) IS ABATED  
25 SUBJECT TO REINSTATEMENT AFTER NOTICE AND HEARING FOR GOOD CAUSE  
26 SHOWN. AN EXPENSE ABATED UNDER THIS SUBSECTION IS ABATED AS OF THE  
27 DATE THAT THE ORDER IS PROVIDED TO THE FRIEND OF THE COURT.

1       (7) ~~(6)~~—An order that provides for the payment of a medical  
2     expense connected to a mother's pregnancy or a child's birth  
3     entered by the court in an action under this act on or before  
4     October 1, 2004 shall be considered by operation of law to provide  
5     for the abatement of any such medical expense that remains unpaid  
6     if the father marries the mother **OR IF THE FATHER OBTAINS SOLE**  
7     **CUSTODY OF THE CHILD UNDER A COURT ORDER.** An abatement under this  
8     subsection shall be implemented under the same circumstances and  
9     enforced in the same manner as an abatement of expenses under  
10    subsection (5) **OR (6).**

11       (8) ~~(7)~~—The court shall admit in proceedings under this act a  
12    bill for funeral expenses or for expenses connected to the mother's  
13    pregnancy or the birth of the child, or actuarially based case  
14    rates as determined by the department of community health, without  
15    third party foundation testimony. A bill or case rates admitted  
16    under this subsection are prima facie evidence of the relevant  
17    funeral or medical expense.

18       (9) ~~(8)~~—This section does not prohibit the department of  
19    community health from seeking reimbursement of expenses from a  
20    party or other person, including an insurer, by a legal procedure  
21    other than an action under this act.

22       (10) ~~(9)~~—If the father of a child born out of wedlock dies, an  
23    order of filiation or a judicially approved settlement made before  
24    his death is enforceable against his estate in the same manner and  
25    way as a divorce decree.

26       (11) ~~(10)~~—As used in this section, "medicaid" means the  
27    medical assistance program administered by this state under section

1 105 of the social welfare act, 1939 PA 280, MCL 400.105.