

HOUSE BILL No. 5269

November 8, 1989, Introduced by Reps. Nye, Stabenow, Emmons, Walberg, Jondahl, Bandstra, Strand, Fitzgerald, Willis Bullard, Dolan, Jaye, Crandall, Brown, Perry Bullard, DeMars, Martin, Gubow and Scott and referred to the Committee on Judiciary.

A bill to amend section 7 of Act No. 205 of the Public Acts of 1956, entitled
"The paternity act,"

as amended by Act No. 107 of the Public Acts of 1986, being section 722.717 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 205 of the Public Acts of
2 1956, as amended by Act No. 107 of the Public Acts of 1986, being
3 section 722.717 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. (1) If the finding of the court or verdict is
6 against the defendant father, if the defendant father acknowl-
7 edges paternity either orally to the court or by the filing with
8 the court a written acknowledgment of paternity, or if he is
9 served with summons and a default is entered against him, the

1 court shall enter an order of filiation declaring paternity and
2 providing for the support of the child.

3 (2) The order of filiation shall specify the sum to be paid
4 weekly or otherwise, until the child reaches the age of 18. In
5 addition to providing for the support of the child, the order
6 shall also provide for the payment of the necessary expenses
7 incurred by or for the mother in connection with her confinement,
8 for the funeral expenses if the child has died, for the support
9 of the child prior to the making of the order of filiation, and
10 such expenses in connection with the pregnancy of the mother or
11 of the proceedings as the court considers proper. However, if
12 proceedings under this act are commenced after the lapse of more
13 than 6 years from the birth of the child, an amount shall not be
14 awarded for expenses or support that accrued before the date on
15 which the complaint was filed unless any of the following circum-
16 stances exists:

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

19 (b) A payment was made for support of the child during the
20 6-year period, and proceedings are commenced within 6 years from
21 the last of any such payments.

22 (c) The defendant was out of the state, was avoiding service
23 of process, or threatened or coerced the complainant not to file
24 a proceeding under this act during the 6-year period. The court
25 may award an amount for expenses or support that accrued before
26 the date the complaint was filed if the complaint was filed
27 within a period of time equal to the sum of 6 years and the time

1 which the defendant was out of state, was avoiding service of
2 process, or threatened or coerced the complainant not to file a
3 proceeding under this act.

4 (3) THE COURT SHALL ORDER SUPPORT IN AN AMOUNT DETERMINED BY
5 APPLICATION OF THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE
6 FRIEND OF THE COURT BUREAU, EXCEPT THAT THE COURT MAY ENTER AN
7 ORDER THAT DEVIATES FROM THE FORMULA UNDER EITHER OF THE FOLLOW-
8 ING CIRCUMSTANCES:

9 (A) IF THE COURT DETERMINES FROM THE FACTS OF THE CASE THAT
10 APPLICATION OF THE CHILD SUPPORT FORMULA WOULD BE UNJUST OR INAP-
11 PROPRIATE AND SETS FORTH IN WRITING OR ON THE RECORD ALL OF THE
12 FOLLOWING:

13 (i) THE SUPPORT AMOUNT DETERMINED BY APPLICATION OF THE
14 CHILD SUPPORT FORMULA.

15 (ii) HOW THE SUPPORT ORDER DEVIATES FROM THE CHILD SUPPORT
16 FORMULA.

17 (iii) THE VALUE OF PROPERTY OR OTHER SUPPORT AWARDED IN LIEU
18 OF THE PAYMENT OF CHILD SUPPORT, IF APPLICABLE.

19 (iv) THE COURT'S REASONS FOR ITS DETERMINATION.

20 (B) IF THE PARTIES AGREE TO A DIFFERENT AMOUNT, PROVIDED
21 THAT THE PARTY RECEIVING CHILD SUPPORT IS NOT A RECIPIENT OF
22 PUBLIC ASSISTANCE.

23 (4) ~~(3)~~ For the purposes of this act, "support" may
24 include payment of the expenses of medical, dental, and other
25 health care, child care expenses, and educational expenses. The
26 court shall require that 1 or both parents shall obtain or
27 maintain any health care coverage that is available to them at a

1 reasonable cost, as a benefit of employment, for the benefit of a
2 child who is the subject of an order of filiation under this
3 section. If a parent is self-employed and maintains health care
4 coverage, the court shall require the parent to obtain or main-
5 tain dependent coverage for the benefit of the child, if avail-
6 able at a reasonable cost.

7 (5) ~~(4)~~ A judgment or order entered under this act provid-
8 ing for the support of a child or payment of expenses in connec-
9 tion with the mother's confinement or pregnancy shall be enforce-
10 able as provided in the support and visitation enforcement act,
11 Act No. 295 of the Public Acts of 1982, being sections 552.601 to
12 552.650 of the Michigan Compiled Laws.

13 (6) ~~(5)~~ Upon entry of an order of filiation, the clerk of
14 the court shall transmit to the director of public health on a
15 form prescribed by the director a written notification of the
16 order, together with such other facts as may assist in identify-
17 ing the birth record of the person whose paternity was in issue.
18 If the order is abrogated by a later judgment or order of the
19 same or a higher court, that fact shall be immediately communi-
20 cated in writing to the director of public health on a form pre-
21 scribed by the director by the clerk of the court which entered
22 the order.

23 Section 2. This amendatory act shall not take effect unless
24 all of the following bills of the 85th Legislature are enacted
25 into law:

26 (a) Senate Bill No. ____ or House Bill No. 5265 (request
27 no. 01603'89*).

1 (b) Senate Bill No. _____ or House Bill No. 5266 (request
2 no. 01603'89 a*).

3 (c) Senate Bill No. _____ or House Bill No. 5267 (request
4 no. 01603'89 b*).

5 (d) Senate Bill No. _____ or House Bill No. 5268 (request
6 no. 01603'89 c*).

7 (e) Senate Bill No. _____ or House Bill No. 5270 (request
8 no. 01603'89 e*).

9 (f) Senate Bill No. _____ or House Bill No. 5271 (request
10 no. 01603'89 f*).