

HOUSE BILL No. 5649

March 29, 1990, Introduced by Reps. Ciaramitaro, Gubow, Stabenow, Martin, Jondahl, DeMars, Van Regenmorter, Nye and Perry Bullard 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. 277 of the Public Acts of 1989, being section 722.717 of the Michigan Compiled Laws; and to add section 7a.

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. 277 of the Public Acts of 1989, being
3 section 722.717 of the Michigan Compiled Laws, is amended and
4 section 7a is added to read as follows:

5 Sec. 7. (1) If the finding of the court or verdict is
6 against the defendant father, if the defendant father
7 acknowledges paternity either orally to the court or by the
8 filing with the court a written acknowledgment of paternity, or

1 if he is served with summons and a default is entered against
2 him, the court shall enter an order of filiation declaring pater-
3 nity and providing for the support of the child.

4 (2) The order of filiation shall specify the sum to be paid
5 weekly or otherwise, until the child reaches the age of 18.

6 SUBJECT TO SECTION 7A, THE COURT MAY ALSO ORDER SUPPORT FOR A
7 CHILD AFTER HE OR SHE REACHES 18 YEARS OF AGE. In addition to
8 providing for the support of the child, the order shall also pro-
9 vide for the payment of the necessary expenses incurred by or for
10 the mother in connection with her confinement, for the funeral
11 expenses if the child has died, for the support of the child
12 prior to the making of the order of filiation, and such expenses
13 in connection with the pregnancy of the mother or of the proceed-
14 ings as the court considers proper. However, if proceedings
15 under this act are commenced after the lapse of more than 6 years
16 from the birth of the child, an amount shall not be awarded for
17 expenses or support that accrued before the date on which the
18 complaint was filed unless any of the following circumstances
19 exists:

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

22 (b) A payment was made for support of the child during the
23 6-year period, and proceedings are commenced within 6 years from
24 the last of any such payments.

25 (c) The defendant was out of the state, was avoiding service
26 of process, or threatened or coerced the complainant not to file
27 a proceeding under this act during the 6-year period. The court

1 may award an amount for expenses or support that accrued before
2 the date the complaint was filed if the complaint was filed
3 within a period of time equal to the sum of 6 years and the time
4 which the defendant was out of state, was avoiding service of
5 process, or threatened or coerced the complainant not to file a
6 proceeding under this act.

7 (3) The court shall order support in an amount determined by
8 application of the child support formula developed by the state
9 friend of the court bureau, except that the court may enter an
10 order that deviates from the formula under either of the follow-
11 ing circumstances:

12 (a) If the court determines from the facts of the case that
13 application of the child support formula would be unjust or inap-
14 propriate and sets forth in writing or on the record all of the
15 following:

16 (i) The support amount determined by application of the
17 child support formula.

18 (ii) How the support order deviates from the child support
19 formula.

20 (iii) The value of property or other support awarded in lieu
21 of the payment of child support, if applicable.

22 (iv) The court's reasons for its determination.

23 (b) If the parties agree to a different amount, provided
24 that the party receiving child support is not a recipient of
25 public assistance.

26 (4) For the purposes of this act, "support" may include
27 payment of the expenses of medical, dental, and other health

1 care, child care expenses, and educational expenses. The court
2 shall require that 1 or both parents shall obtain or maintain any
3 health care coverage that is available to them at a reasonable
4 cost, as a benefit of employment, for the benefit of a child who
5 is the subject of an order of filiation under this section. If a
6 parent is self-employed and maintains health care coverage, the
7 court shall require the parent to obtain or maintain dependent
8 coverage for the benefit of the child, if available at a reason-
9 able cost.

10 (5) A judgment or order entered under this act providing for
11 the support of a child or payment of expenses in connection with
12 the mother's confinement or pregnancy shall be enforceable as
13 provided in the support and visitation enforcement act, Act
14 No. 295 of the Public Acts of 1982, being sections 552.601 to
15 552.650 of the Michigan Compiled Laws.

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

25 SEC. 7A. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SEC-
26 TION, A COURT MAY ORDER SUPPORT AS PROVIDED IN SECTION 7 OR 11
27 FOR A CHILD TO PROVIDE SUPPORT AFTER THE CHILD REACHES 18 YEARS

1 OF AGE FOR THE TIME THE CHILD IS REGULARLY ATTENDING HIGH SCHOOL,
2 BUT IN NO CASE AFTER THE CHILD REACHES 19 YEARS AND 6 MONTHS OF
3 AGE. A COMPLAINT OR MOTION REQUESTING SUPPORT AS PROVIDED IN
4 THIS SECTION MAY BE FILED AT ANY TIME BEFORE THE CHILD REACHES 19
5 YEARS AND 6 MONTHS OF AGE.

6 (2) A PROVISION CONTAINED IN A JUDGMENT OR AN ORDER ENTERED
7 UNDER THIS ACT BEFORE THE EFFECTIVE DATE OF THIS SECTION THAT
8 PROVIDES FOR THE SUPPORT OF A CHILD AFTER THE CHILD REACHES
9 18 YEARS OF AGE, WITHOUT AN AGREEMENT OF THE PARTIES AS DESCRIBED
10 IN SUBSECTION (3), IS VALID AND ENFORCEABLE TO THE EXTENT THE
11 PROVISION PROVIDES SUPPORT FOR THE CHILD FOR THE TIME THE CHILD
12 IS REGULARLY ATTENDING HIGH SCHOOL, BUT IN NO CASE AFTER THE
13 CHILD REACHES 19 YEARS AND 6 MONTHS OF AGE.

14 (3) NOTWITHSTANDING SUBSECTION (1), A PROVISION CONTAINED IN
15 A JUDGMENT OR AN ORDER ENTERED UNDER THIS ACT BEFORE, ON, AND
16 AFTER THE EFFECTIVE DATE OF THIS SECTION THAT PROVIDES FOR THE
17 SUPPORT OF A CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE IS
18 VALID AND ENFORCEABLE IF 1 OR MORE OF THE FOLLOWING APPLY:

19 (A) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
20 AGREEMENT OF THE PARTIES AS STATED IN THE JUDGMENT OR ORDER.

21 (B) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
22 AGREEMENT OF THE PARTIES AS EVIDENCED BY THE APPROVAL OF THE
23 JUDGMENT OR ORDER BY THE PARTIES OR THEIR ATTORNEYS.

24 (C) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
25 WRITTEN AGREEMENT SIGNED BY THE PARTIES.

1 (D) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
2 ORAL AGREEMENT OF THE PARTIES AS STATED ON THE RECORD BY THE
3 PARTIES OR THEIR ATTORNEYS.

4 Section 2. This amendatory act shall not take effect unless
5 House Bill No. 5287 of the 85th Legislature is enacted into law.