

# HOUSE BILL No. 6195

November 8, 1990, Introduced by Rep. Gubow and referred to the Committee on Judiciary.

A bill to amend sections 7 and 10 of Act No. 205 of the Public Acts of 1956, entitled

"The paternity act,"

as amended by Act No. 244 of the Public Acts of 1990, being sections 722.717 and 722.720 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 7 and 10 of Act No. 205 of the Public  
2 Acts of 1956, as amended by Act No. 244 of the Public Acts of  
3 1990, being sections 722.717 and 722.720 of the Michigan Compiled  
4 Laws, are amended 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 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.  
5 Subject to section 7a, the court may also order support for a  
6 child after he or she reaches 18 years of age. In addition to  
7 providing for the support of the child, the order shall also pro-  
8 vide for the payment of the necessary expenses incurred by or for  
9 the mother in connection with her confinement, for the funeral  
10 expenses if the child has died, for the support of the child  
11 prior to the making of the order of filiation, and such expenses  
12 in connection with the pregnancy of the mother or of the proceed-  
13 ings as the court considers proper. However, if proceedings  
14 under this act are commenced after the lapse of more than 6 years  
15 from the birth of the child, an amount shall not be awarded for  
16 expenses or support that accrued before the date on which the  
17 complaint was filed unless any of the following circumstances  
18 ~~exists~~ EXIST:

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

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

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 which 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.

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

14 (a) The support amount determined by application of the  
15 child support formula.

16 (b) How the support order deviates from the child support  
17 formula.

18 (c) The value of property or other support awarded in lieu  
19 of the payment of child support, if applicable.

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

22 (4) Subsection (3) does not prohibit the court from entering  
23 a support order that is agreed to by the parties and that devi-  
24 ates from the child support formula, if the requirements of sub-  
25 section (3) are met.

1 (5) BEGINNING JANUARY 1, 1991, EACH SUPPORT ORDER ENTERED BY  
2 THE COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP THE OFFICE OF  
3 THE FRIEND OF THE COURT INFORMED OF BOTH OF THE FOLLOWING:

4 (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF  
5 INCOME. AS USED IN THIS SUBDIVISION, "SOURCE OF INCOME" MEANS  
6 THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISITATION  
7 ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING  
8 SECTION 552.602 OF THE MICHIGAN COMPILED LAWS.

9 (B) ANY HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER  
10 AS A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER;  
11 THE NAME OF THE INSURANCE COMPANY, HEALTH CARE ORGANIZATION, OR  
12 HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR CON-  
13 TRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR  
14 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE  
15 POLICY, CERTIFICATE, OR CONTRACT.

16 (6) ~~-(5)-~~ For the purposes of this act, "support" may  
17 include payment of the expenses of medical, dental, and other  
18 health care, child care expenses, and educational expenses. The  
19 court shall require that 1 or both parents shall obtain or main-  
20 tain any health care coverage that is available to them at a rea-  
21 sonable cost, as a benefit of employment, for the benefit of a  
22 child who is the subject of an order of filiation under this  
23 section. If a parent is self-employed and maintains health care  
24 coverage, the court shall require the parent to obtain or main-  
25 tain dependent coverage for the benefit of the child, if avail-  
26 able at a reasonable cost.

1       (7) ~~-(6)-~~ 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 shall be  
4 enforceable as provided in the support and visitation enforcement  
5 act, Act No. 295 of the Public Acts of 1982, being sections  
6 552.601 to 552.650 of the Michigan Compiled Laws.

7       (8) ~~-(7)-~~ Upon entry of an order of filiation, the clerk of  
8 the court shall transmit to the director of public health on a  
9 form prescribed by the director a written notification of the  
10 order, together with such other facts as may assist in identify-  
11 ing the birth record of the person whose paternity was in issue.  
12 If the order is abrogated by a later judgment or order of the  
13 same or a higher court, that fact shall be immediately communi-  
14 cated in writing to the director of public health on a form pre-  
15 scribed by the director by the clerk of the court which entered  
16 the order.

17       Sec. 10. (1) Until the judgment of the court has been com-  
18 pletely satisfied, the court shall have continuing jurisdiction  
19 over proceedings brought under this act to increase or decrease  
20 the amount fixed by the order of filiation subject to section  
21 7(3) or (4), to provide for reasonable visitation, and to change  
22 the custody of the child.

23       (2) BEGINNING JANUARY 1, 1991, EACH SUPPORT ORDER MODIFIED  
24 BY THE COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP THE OFFICE  
25 OF THE FRIEND OF THE COURT INFORMED OF BOTH OF THE FOLLOWING:

26       (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF  
27 INCOME. AS USED IN THIS SUBDIVISION, "SOURCE OF INCOME" MEANS

1 THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISITATION  
2 ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING  
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4 (B) ANY HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER  
5 AS A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER;  
6 THE NAME OF THE INSURANCE COMPANY, HEALTH CARE ORGANIZATION, OR  
7 HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR CON-  
8 TRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR  
9 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE  
10 POLICY, CERTIFICATE, OR CONTRACT.