

Act No. 289  
Public Acts of 1992  
Approved by the Governor  
December 18, 1992  
Filed with the Secretary of State  
December 18, 1992

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1992**

Introduced by Reps. Nye, Dalman and Strand

# **ENROLLED HOUSE BILL No. 5609**

AN ACT to amend section 4 of Act No. 205 of the Public Acts of 1956, entitled "An act to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act," as amended by Act No. 107 of the Public Acts of 1986, being section 722.714 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 4 of Act No. 205 of the Public Acts of 1956, as amended by Act No. 107 of the Public Acts of 1986, being section 722.714 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 4. (1) A proceeding in accordance with this act shall be brought by the mother, the father, a child who became 18 years of age after August 15, 1984, and before June 2, 1986, or the department of social services as provided in this act. Complaints shall be made in the county where the mother and child or 1 of them reside. If both the mother and child reside outside this state, then the complaint shall be made in the county where the putative father resides or is found. The fact that the child was conceived or born outside of this state is not a bar to entering a complaint against the putative father.

(2) Proceedings under this act may be instituted during the pregnancy of the child's mother, at any time before the child reaches 18 years of age, or, for a child who became 18 years of age after August 15, 1984, and before June 2, 1986, within 2 years after the effective date of the 1992 amendatory act that authorizes institution of these proceedings by that child. This subsection applies regardless of whether the cause of action accrued before June 1, 1986 and regardless of whether the cause of action was barred under this subsection before June 1, 1986.

(3) A complaint under this act shall be filed in the circuit court. If the county department of social services of the county in which the complainant mother resides first determines her to be eligible for public assistance or to be without means to employ an attorney; if the department of social services is the complainant; or if the complainant mother or child is receiving services under part D of Title IV of the social security act, 42 U.S.C. 651 to 667, then the prosecuting attorney or an attorney employed by the county pursuant to section 1 of Act No. 15 of the Public Acts of 1941, as amended, being section 49.71 of the Michigan Compiled Laws, shall represent the complainant mother in initiating and conducting the proceedings under this act. The prosecuting attorney shall utilize the child support formula developed under section 19 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being section 552.519 of the Michigan Compiled Laws, as a guideline in petitioning for child support. A complaint filed under this act by the mother of the child shall be verified by the mother by oath or affirmation.

(4) A complainant mother shall charge the person named as defendant with being the father of the child and state the time and place, as near as possible, when and where the mother became pregnant. If the department of social services is the complainant, the person named as defendant shall be charged upon information and belief.

(5) Upon the filing of a complaint by the mother of the child, the court shall issue a summons against the alleged father. Upon the alleged father appearing before the court by virtue of the summons, the court shall proceed with the trial of the case. The summons shall be in the form the court determines and shall be served in the same manner as is provided by court rules for the service of process in civil actions.

(6) The father or putative father of a child born out of wedlock may file a complaint in the circuit court in the county in which the child or mother resides or is found, praying for the entry of the order of filiation as provided for in section 7. The mother of the child shall be made a party defendant and notified of the hearing on the complaint by summons, which shall be in the form the court determines and shall be served in the same manner as is provided by court rules for the service of process in civil actions. The court, following the hearing, may enter an order of filiation. An order of filiation entered under this subsection has the same effect, is subject to the same provisions, and is enforced in the same manner as an order of filiation entered on complaint of the mother.

(7) It is unnecessary in any proceedings under this act commenced by or against a minor to have a next friend or guardian ad litem appointed for the minor unless required by the circuit judge. A minor may prosecute or defend any proceedings in the same manner and with the same effect as if he or she were of legal age.

(8) If a child born out of wedlock is being supported in whole or in part by public assistance, the department of social services may file a complaint on behalf of the child in the circuit court in the county in which the child resides, praying for the entry of the order of filiation, as provided in section 7. The mother of the child shall be made a party plaintiff and notified of the hearing on the complaint by summons, which shall be in the form the court determines and shall be served in the same manner as is provided by court rules for the service of process in civil actions. An order of filiation entered under this subsection has the same effect, is subject to the same provisions, and is enforced in the same manner as an order of filiation entered on complaint of the mother. The complaint made by the department of social services shall be verified by the director of social services, or his or her designated representative, or by the director of the county department of social services, or his or her designated representative, of the county in which an action is brought. The action provided for in this subsection may be taken only after the department has unsuccessfully attempted to have the alleged father voluntarily initiate legal action to acknowledge paternity.

(9) Act No. 107 of the Public Acts of 1986, which added this subsection, does not affect the rights of an indigent defendant in proceedings under this act as established by decisions of the courts of this state before June 1, 1986.

Section 2. This amendatory act shall take effect January 1, 1993.

This act is ordered to take immediate effect.

.....  
Clerk of the House of Representatives.

.....  
Secretary of the Senate.

Approved .....

.....  
Governor.

