

HOUSE BILL No. 5609

March 4, 1992, Introduced by Reps. Nye, Dalman and Strand and referred to the Committee on Judiciary.

A bill to amend section 4 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 722.714 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 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 722.714 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 4. (1) A proceeding in accordance with this act shall
6 be brought by the mother, the father, or the department of social
7 services as provided in this act. Complaints shall be made in
8 the county where the mother and child or 1 of them reside. If
9 both the mother and child reside outside this state, then the

1 complaint shall be made in the county where the putative father
2 resides or is found. The fact that the child was conceived or
3 born outside of this state ~~shall not be~~ IS NOT a bar to enter-
4 ing a complaint against the putative father.

5 (2) Proceedings ~~in pursuance of~~ UNDER this act may be
6 instituted during the pregnancy of the CHILD'S mother, ~~or~~ at
7 any time before the child reaches 18 years of age, OR AT ANY TIME
8 REGARDING A CHILD WHO WAS UNDER 18 YEARS OF AGE DURING THE TIME
9 PERIOD AFTER AUGUST 15, 1984, AND BEFORE JUNE 2, 1986. This sub-
10 section ~~shall apply~~ APPLIES regardless of whether the cause of
11 action accrued before June 1, 1986 and regardless of whether the
12 cause of action was barred under this subsection before June 1,
13 1986.

14 (3) A complaint under this act shall be filed in the circuit
15 court. If the county department of social services of the county
16 in which the complainant mother resides first determines her to
17 be eligible for public assistance or to be without means to
18 employ an attorney. ~~or if~~ IF the department of social services
19 is the complainant, or if the complainant mother or child is
20 receiving services under part D of Title IV of the social secur-
21 ity act, 42 U.S.C. 651 to 667, then the prosecuting attorney or
22 an attorney employed by the county pursuant to section 1 of Act
23 No. 15 of the Public Acts of 1941, as amended, being section
24 49.71 of the Michigan Compiled Laws, shall represent the com-
25 plainant mother in initiating and conducting the proceedings
26 under this act. The prosecuting attorney shall utilize the child
27 support formula developed under section 19 of the friend of the

1 court act, Act No. 294 of the Public Acts of 1982, being section
2 552.519 of the Michigan Compiled Laws, as a guideline in peti-
3 tioning for child support. A complaint filed under this act by
4 the mother of the child shall be verified by the mother by oath
5 or affirmation.

6 (4) A complainant mother shall charge the person named as
7 defendant with being the father of the child and state the time
8 and place, as near as possible, when and where the mother became
9 pregnant. If the department of social services is the complain-
10 ant, the person named as defendant shall be charged upon informa-
11 tion and belief.

12 (5) Upon the filing of a complaint by the mother of the
13 child, the court shall issue a summons against the alleged
14 father. Upon the alleged father appearing before the court by
15 virtue of the summons, the court ~~thereupon, or as soon thereaf-~~
16 ~~ter as may be,~~ shall proceed with the trial of the case. The
17 summons shall be in ~~such form as the court may determine~~ THE
18 FORM THE COURT DETERMINES and shall be served in the same manner
19 as is provided by court rules for the service of process in civil
20 actions.

21 (6) The father or putative father of a child born out of
22 wedlock may file a complaint in the circuit court in the county
23 in which the child or mother resides or is found, praying for the
24 entry of the order of filiation as provided for in section 7.
25 The mother of the child shall be made a party defendant and noti-
26 fied of the hearing on the complaint by summons, which shall be
27 in ~~such form as the court shall determine~~ THE FORM THE COURT

1 DETERMINES and shall be served in the same manner as is provided
2 by court rules for the service of process in civil actions. The
3 court, following the hearing, may enter an order of filiation.
4 ~~which shall have~~ AN ORDER OF FILIATION ENTERED UNDER THIS SUB-
5 SECTION HAS the same effect, ~~be~~ IS subject to the same provi-
6 sions, and IS enforced in the same manner as an order of filia-
7 tion ~~would be if~~ entered on complaint of the mother.

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

14 (8) If a child born out of wedlock is being supported in
15 whole or in part by public assistance, the department of social
16 services may file a complaint on behalf of the child in the cir-
17 cuit court in the county in which the child resides, praying for
18 the entry of the order of filiation, as provided in section 7.
19 The mother of the child shall be made a party plaintiff and noti-
20 fied of the hearing on the complaint by summons, which shall be
21 in ~~such form as the court shall determine~~ THE FORM THE COURT
22 DETERMINES and shall be served in the same manner as is provided
23 by court rules for the service of process in civil actions. An
24 order of filiation entered under this subsection ~~shall have~~ HAS
25 the same effect, ~~be~~ IS subject to the same provisions, and IS
26 enforced in the same manner as an order of filiation ~~would be~~
27 ~~if~~ entered on complaint of the mother. The complaint made by

1 the department of social services shall be verified by the
2 director of social services, OR his or her designated representa-
3 tive, or by the director of the county department of social
4 services, or his or her designated representative, of the county
5 in which an action is brought. The action provided for in this
6 subsection may be taken only after the department has unsucces-
7 fully attempted to have the alleged father voluntarily initiate
8 legal action to acknowledge paternity.

9 (9) The 1986 amendatory act ~~which~~ THAT added this subsec-
10 tion ~~shall not be construed to~~ DOES NOT affect the rights of an
11 indigent defendant in proceedings under this act as established
12 by decisions of the courts of this state before ~~the effective~~
13 ~~date of that amendatory act~~ JUNE 1, 1986.