

HOUSE BILL No. 6126

September 23, 1992, Introduced by Reps. Yokich, Pitoniak, Porreca, Webb, Dobronski, DeMars, Profit, Leland, Brown, Baade, Palamara, Stallworth and Byrum and referred to the Committee on Insurance.

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. 294 of the Public Acts of 1990, 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. 294 of the Public Acts of 1990, 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.
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~~
12 expenses in connection with the pregnancy of the mother or of the
13 proceedings as the court considers proper. However, if proceed-
14 ings under this act are commenced after the lapse of more than 6
15 years from the birth of the child, an amount shall not be awarded
16 for expenses or support that accrued before the date on which the
17 complaint was filed unless any of the following circumstances
18 exists:

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~~ THOSE 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~~ THAT the defendant was out of state, was avoiding service
4 of process, or threatened or coerced the complainant not to file
5 a 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~~ HEALTH care coverage that is available to
10 him or her as a benefit of employment or that is maintained by
11 him or her; the name of the insurance company, health care orga-
12 nization, or health maintenance organization; the policy, certif-
13 icate, or contract number; and the names and birth dates of the
14 persons for whose benefit he or she maintains health care cover-
15 age under the policy, certificate, or contract.

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

1 (7) A judgment or order entered under this act providing for
2 the support of a child or payment of expenses in connection with
3 the mother's confinement or pregnancy shall ~~be~~ CONTAIN THE PRO-
4 VISIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED BY,
5 AND IS enforceable as provided in the support and visitation
6 enforcement act, Act No. 295 of the Public Acts of 1982, being
7 sections 552.601 to 552.650 of the Michigan Compiled Laws. IF
8 THIS ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
9 ENFORCEMENT OF A SUPPORT ORDER THAT CONFLICTS WITH A PROVISION IN
10 THE SUPPORT AND VISITATION ENFORCEMENT ACT, THIS ACT CONTROLS IN
11 REGARD TO THAT PROVISION.

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

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. ⁶¹²² _____ (request
24 no. 06342'92) of the 86th Legislature is enacted into law.