

# HOUSE BILL No. 6151

September 30, 1992, Introduced by Reps. Fitzgerald, McBryde, Bobier, Bandstra, Bodem, Gilmer, Strand, Gernaat, Robertson, Dolan, Dalman, Hoffman, Nye, DeLange, Jamian and Bankes and referred to the Committee on Social Services and Youth.

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. 294 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. 294 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~~ FOR  
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  
15 6 years ~~from~~ AFTER the birth of the child, an amount shall not  
16 be awarded for expenses or support that accrued before the date  
17 on which the complaint was filed unless any of the following cir-  
18 cumstances 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 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.

26 (5) ~~Beginning January 1, 1991, each~~ A support order  
27 entered by the court shall provide ~~that each party shall keep~~

~~1 the office of the friend of the court informed of both~~ ALL of  
2 the following:

3       (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
4 COURT INFORMED OF THE name and address of his or her current  
5 source of income. As used in this subdivision, "source of  
6 income" means that term as defined in section 2 of the support  
7 and visitation enforcement act, Act No. 295 of the Public Acts of  
8 1982, being section 552.602 of the Michigan Compiled Laws.

9       (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
10 COURT INFORMED OF health care coverage that is available to him  
11 or her as a benefit of employment or that is maintained by him or  
12 her; the name of the insurance company, health care organization,  
13 or health maintenance organization; the policy, certificate, or  
14 contract number; and the names and birth dates of the persons for  
15 whose benefit he or she maintains health care coverage under the  
16 policy, certificate, or contract.

17       (c) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE  
18 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE  
19 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE  
20 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"  
21 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISI-  
22 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982.

23       (6) For the purposes of this act, "support" may include pay-  
24 ment of the expenses of medical, dental, and other health care,  
25 child care expenses, and educational expenses. The court shall  
26 require that 1 or both parents ~~shall~~ obtain or maintain any  
27 health care coverage that is available to them at a reasonable

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

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

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

23 Sec. 10. (1) Until the judgment of the court has been com-  
24 pletely satisfied, the court ~~shall have~~ HAS continuing juris-  
25 diction over proceedings brought under this act to increase or  
26 decrease the amount fixed by the order of filiation subject to

1 section 7(3) or (4), to provide for reasonable visitation, and to  
2 change the custody of the child.

3 (2) ~~Beginning January 1, 1991, each~~ A support order modi-  
4 fied by the court shall provide ~~that each party shall keep the~~  
5 ~~office of the friend of the court informed of both~~ ALL of the  
6 following:

7 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
8 COURT INFORMED OF THE name and address of his or her current  
9 source of income. As used in this subdivision, "source of  
10 income" means that term as defined in section 2 of the support  
11 and visitation enforcement act, Act No. 295 of the Public Acts of  
12 1982, being section 552.602 of the Michigan Compiled Laws.

13 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE  
14 COURT INFORMED OF health care coverage that is available to him  
15 or her as a benefit of employment or that is maintained by him or  
16 her; the name of the insurance company, health care organization,  
17 or health maintenance organization; the policy, certificate, or  
18 contract number; and the names and birth dates of the persons for  
19 whose benefit he or she maintains health care coverage under the  
20 policy, certificate, or contract.

21 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE  
22 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE  
23 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE  
24 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"  
25 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISI-  
26 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982.