

Act No. 146
Public Acts of 1993
Approved by the Governor
August 18, 1993
Filed with the Secretary of State
August 19, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senator Ehlers

ENROLLED SENATE BILL No. 256

AN ACT to amend section 7 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. 294 of the Public Acts of 1990, being section 722.717 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 7 of Act No. 205 of the Public Acts of 1956, as amended by Act No. 294 of the Public Acts of 1990, being section 722.717 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 7. (1) The court shall enter an order of filiation declaring paternity and providing for the support of the child under any of the following circumstances:

- (a) The finding of the court or the verdict is against the defendant father.
 - (b) The defendant father acknowledges paternity either orally to the court or by filing with the court a written acknowledgment of paternity.
 - (c) The defendant father is served with summons and a default judgment is entered against him.
- (2) An order of filiation entered under subsection (1) shall specify the sum to be paid weekly or otherwise, until the child reaches the age of 18. Subject to section 7a, the court may also order support for a child after he or she reaches 18 years of age. In addition to providing for the support of the child, the order shall also provide for the payment of the necessary expenses incurred by or for the mother in connection with her confinement, for the funeral expenses if the child has died, for the support of the child prior to the entry of the order of filiation, and for the expenses in connection with the pregnancy of the mother or of the proceedings as the court considers proper. However, if proceedings under this act are commenced after the lapse of more than 6 years from the birth of the child, an amount shall not be awarded for expenses or support that accrued before the date on which the complaint was filed unless any of the following circumstances exists:
- (a) Paternity has been acknowledged by the father in writing in accordance with statutory provisions.
 - (b) One or more payments were made for support of the child during the 6-year period and proceedings are commenced within 6 years from the date of the most recent payment.
 - (c) The defendant was out of the state, was avoiding service of process, or threatened or coerced the complainant not to file a proceeding under this act during the 6-year period. The court may award an amount for expenses or support that accrued before the date the complaint was filed if the complaint was filed within a period of time equal to the sum of 6 years and the time that the defendant was out of state, was avoiding service of process, or threatened or coerced the complainant not to file a proceeding under this act.

(3) Except as otherwise provided in this section, the court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

- (a) The support amount determined by application of the child support formula.
- (b) How the support order deviates from the child support formula.
- (c) The value of property or other support awarded instead of the payment of child support, if applicable.
- (d) The reasons why application of the child support formula would be unjust or inappropriate in the case.

(4) Subsection (3) does not prohibit the court from entering a support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (3) are met.

(5) Beginning January 1, 1991, each support order entered by the court shall provide that each party keep the office of the friend of the court informed of both of the following:

(a) The name and address of his or her current source of income. As used in this subdivision, "source of income" means that term as defined in section 2 of the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being section 552.602 of the Michigan Compiled Laws.

(b) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(6) For the purposes of this act, "support" may include payment of medical, dental, and other health care expenses, child care expenses, and educational expenses. The court shall require that 1 or both parents obtain or maintain any health care coverage that is available to them at a reasonable cost, as a benefit of employment, for the benefit of a child who is the subject of an order of filiation under this section. If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the child, if available at a reasonable cost.

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

(8) Upon entry of an order of filiation, the clerk of the court shall collect a fee of \$35.00 from the person against whom the order of filiation is entered. The clerk shall retain \$9.00 of the fee and remit the \$26.00 balance, along with a written report of the order of filiation, to the director of public health. The report shall be on a form prescribed by or in a manner approved by the director of public health.

(9) If an order of filiation is abrogated by a later judgment or order of a court, the clerk of the court that entered the order shall immediately communicate that fact to the director of public health on a form prescribed by the director of public health.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.