



# HOUSE BILL No. 4132

February 3, 1993, Introduced by Reps. Yokich, Dobronski, DeMars, Pitoniak, Rivers, Anthony, Profit, Baade and Stallworth and referred to the Committee on Judiciary.

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

1 served with summons and a default is entered against him, the  
2 court shall enter an order of filiation declaring paternity and  
3 providing for the support of the child.

4 (2) The order of filiation shall specify the sum to be paid  
5 weekly or otherwise, until the child reaches the age of 18.  
6 Subject to section 7a, the court may also order support for a  
7 child after he or she reaches 18 years of age. In addition to  
8 providing for the support of the child, the order shall also pro-  
9 vide for the payment of the necessary expenses incurred by or for  
10 the mother in connection with her confinement, for the funeral  
11 expenses if the child has died, for the support of the child  
12 prior to the making of the order of filiation, ~~and such~~ FOR  
13 expenses in connection with the pregnancy of the mother, ~~or~~ AND  
14 FOR EXPENSES of the proceedings as the court considers proper.  
15 However, if proceedings under this act are commenced after the  
16 lapse of more than 6 years from the birth of the child, an amount  
17 shall not be awarded for expenses or support that accrued before  
18 the date on which the complaint was filed unless any of the fol-  
19 lowing circumstances exists:

20 (a) Paternity has been acknowledged by the father in writing  
21 in accordance with statutory provisions.

22 (b) A payment was made for support of the child during the  
23 6-year period, and proceedings are commenced within 6 years from  
24 the last of ~~any such~~ THOSE payments.

25 (c) The defendant was out of the state, was avoiding service  
26 of process, or threatened or coerced the complainant not to file  
27 a proceeding under this act during the 6-year period. The court

1 may award an amount for expenses or support that accrued before  
2 the date the complaint was filed if the complaint was filed  
3 within a period of time equal to the sum of 6 years and the time  
4 ~~which~~ THAT the defendant was out of state, was avoiding service  
5 of process, or threatened or coerced the complainant not to file  
6 a proceeding under this act.

7 (3) Except as otherwise provided in this section, the court  
8 shall order support in an amount determined by application of the  
9 child support formula developed by the state friend of the court  
10 bureau. The court may enter an order that deviates from the for-  
11 mula if the court determines from the facts of the case that  
12 application of the child support formula would be unjust or inap-  
13 propriate and sets forth in writing or on the record all of the  
14 following:

15 (a) The support amount determined by application of the  
16 child support formula.

17 (b) How the support order deviates from the child support  
18 formula.

19 (c) The value of property or other support awarded in lieu  
20 of the payment of child support, if applicable.

21 (d) The reasons why application of the child support formula  
22 would be unjust or inappropriate in the case.

23 (4) Subsection (3) does not prohibit the court from entering  
24 a support order that is agreed to by the parties and that devi-  
25 ates from the child support formula, if the requirements of sub-  
26 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. 4130 (request  
24 no. 01922'93) of the 87th Legislature is enacted into law.