

Telephone: (517) 373-5383 Fax: (517) 373-1986 TDD: (517) 373-0543

House Bill 4013 (Substitute H-2 as passed by the House) House Bill 4768 (Substitute H-3 as passed by the House) Sponsor: Representative Gary A. Newell (H.B. 4013)

Representative Doug Hart (H.B. 4768)

House Committee: Judiciary

Senate Committee: Families and Human Services

Date Completed: 2-9-04

CONTENT

The bills would amend the Paternity Act to provide for apportionment of the costs related to the confinement and pregnancy of a mother between both parents of a child born out of wedlock. House Bill 4013 (H-2) is tie-barred to House Bill 4768.

Under the Act, the parents of a child born out of wedlock are liable for the child's necessary education and support, as well as the child's funeral expenses. The Act provides that the father is liable to pay the expenses of the mother's confinement and the expenses connected with her pregnancy, as the court in its discretion may deem proper. Under the bills, the court could apportion the reasonable and necessary pregnancy and confinement expenses between the parents, based on each parent's ability to pay. The court could require the parent who did not pay the expense to pay his or her share to the other parent. At the request of a person other than a parent who had paid the mother's expenses, the court could order a parent against whom the request was made to pay his or her share of the expenses to that other person. The bills specify that the court's requirement to apportion confinement or pregnancy expenses would apply only to pregnancies that occurred after the bill's effective date.

The court could not apportion confinement and pregnancy expenses to the mother if Medicaid had paid them.

After the bills' effective date, based on the father's ability to pay and any other relevant factor, the court could apportion up to 100% of the reasonable and necessary confinement and pregnancy costs to the father. The court would have to provide that if the father married the mother after the child's birth and provided documentation of the marriage to the Friend of the Court (FOC), his obligation for payment of any remaining expenses would be tolled for the duration of the marriage. The remaining unpaid amount would be tolled as of the date that documentation was given to the FOC.

The bills specify that each confinement and pregnancy expenses order entered by the court on or before the bills' effective date would be considered by operation of law to provide for the tolling of the remaining unpaid expenses if the father married the mother, and would have to be implemented under the same circumstances and enforced in the same manner as provided for the tolling of confinement and pregnancy expenses, as described above.

Currently, the court must admit in paternity proceedings a bill for funeral, confinement, and pregnancy expenses. House Bill 4013 (H-2) specifies instead that the court could not apportion the expenses unless the party requesting the apportionment offered as evidence an itemized bill for funeral, confinement, or pregnancy expenses.

Page 1 of 2 hb4013&4768/0304

MCL 722.712 Legislative Analyst: Julie Koval

FISCAL IMPACT

It appears that the bills would have no fiscal impact on State or local government. A mother's Medicaid eligibility is not determined by whether child support is being received; therefore, the bills would have no impact on Medicaid expenditures.

Fiscal Analyst: Constance Cole

S0304\s4013sa
This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.