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BILL ANALYSIS

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House Bill 4775 (Substitute S-1 as reported)  
Sponsor: Representative James Koetje  
House Committee: Judiciary  
Senate Committee: Families and Human Services

### **CONTENT**

The bill would amend the Paternity Act to provide that a child support obligation would be retroactive only to the date that a paternity complaint was filed, except under certain conditions. The bill would take effect on October 1, 2004.

Under the Act, when a mother files a paternity complaint against her child's father, the court must enter an order of filiation that declares the father's paternity and provides for the support of the child, if the court determines that the man is the father, the defendant acknowledges paternity, or a default judgment is entered against the defendant. The bill would retain these requirements.

The Act also requires that an order of filiation provide for the support of the child before the entry of the order. If paternity proceedings are begun more than six years after the child's birth, however, an amount must not be awarded for expenses or support that accrued before the complaint was filed, unless at least one of the following three conditions exists: 1) The father acknowledged paternity in writing as required by law; 2) a child support payment was made during the six-year period and paternity proceedings began within six years after the date of the most recent payment; or 3) the defendant was out of State or avoiding service of process, or threatened or coerced the complainant not to file a proceeding under the Act during the six-year period. The bill would delete all of these provisions.

The bill specifies that a child support obligation would be retroactive only to the date that the paternity complaint was filed, unless the defendant was avoiding service of process, had threatened or coerced through domestic violence or other means the complainant not to file a paternity proceeding, or otherwise delayed the imposition of a support obligation.

MCL 722.717

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

The bill would have no fiscal impact on the Family Independence Agency or on the Judiciary.

Date Completed: 5-20-04

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Analysis available @ <http://www.michiganlegislature.org>

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