

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4013

A bill to amend 1956 PA 205, entitled  
"The paternity act,"  
by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) The parents of a child born out of wedlock are  
2     liable for the necessary support and education of the child.  
3     They are also liable for the child's funeral expenses. ~~The~~  
4     ~~father is liable to pay the expenses of the mother's confinement,~~  
5     ~~and is also liable to pay expenses in connection with her~~  
6     ~~pregnancy as the court in its discretion may deem proper.~~  
7     Subject to subsections (2) and (3), based on each parent's  
8     ability to pay and on any other relevant factor, the court may  
9     apportion, in the same manner as medical expenses of the child  
10    are divided under the child support formula, the reasonable and  
11    necessary expenses of the mother's confinement and expenses in

## House Bill No. 4013 (S-2) as amended June 29, 2004

1 connection with her pregnancy between the parents and require the  
2 parent who did not pay the expense to pay his or her share of the  
3 expense to the other parent. At the request of a person other  
4 than a parent who has paid the expenses of the mother's  
5 confinement or expenses in connection with her pregnancy, the  
6 court may order a parent against whom the request is made to pay  
7 to the person other than a parent the parent's share of the  
8 expenses.

9 (2) If a pregnancy or a complication of a pregnancy has been  
10 determined in another proceeding to have been the result of  
11 either a physical or sexual battery by a party to the case, the  
12 court shall apportion these expenses to the party who was the  
13 perpetrator of the battery.

14 (3) If medicaid has paid the confinement and pregnancy  
15 expenses of a mother under this section, the court shall not  
16 apportion confinement and pregnancy expenses to the mother.  
17 After the effective date of the amendatory act that added this  
18 subsection, based on the father's ability to pay and any other  
19 relevant factor, the court may apportion not more than 100% of  
20 the reasonable and necessary confinement and pregnancy costs to  
21 the father. [If medicaid has not paid the confinement and pregnancy  
expenses of the mother under this section, the court shall require an  
itemized bill for the expenses upon request from the father before an  
apportionment is made.]

22 (4) The court order shall provide that if the father marries  
23 the mother after the birth of the child and provides  
24 documentation of the marriage to the friend of the court, the  
25 father's obligation for payment of any remaining unpaid  
26 confinement and pregnancy expenses is abated subject to  
27 reinstatement after notice and hearing for good cause shown,

1 including, but not limited to, dissolution of the marriage. The  
2 remaining unpaid amount of the confinement and pregnancy expenses  
3 owed by the father is abated as of the date that documentation of  
4 the marriage is provided to the friend of the court.

5 (5) Each confinement and pregnancy expenses order entered by  
6 the court on or before the effective date of the amendatory act  
7 that added this subsection shall be considered by operation of  
8 law to provide for the abatement of the remaining unpaid  
9 confinement and pregnancy expenses if the father marries the  
10 mother and shall be implemented under the same circumstances and  
11 enforced in the same manner as for the abatement of confinement  
12 and pregnancy expenses provided by subsection (4).

13 (6) The court shall admit in proceedings under this act a  
14 bill for funeral expenses, expenses of the mother's confinement,  
15 or expenses in connection with the mother's pregnancy, which bill  
16 constitutes prima facie evidence of the amount of those expenses,  
17 without third party foundation testimony.

18 (7) ~~-(2)-~~ If the father dies, an order of filiation or a  
19 judicially approved settlement made before his death is  
20 enforceable against his estate in the same manner and way as a  
21 divorce decree.

22 (8) As used in this section, "medicaid" means the medical  
23 assistance program administered by the state under section 105 of  
24 the social welfare act, 1939 PA 280, MCL 400.105.

25 Enacting section 1. This amendatory act takes effect  
26 October 1, 2004.