

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

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.

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.