

HOUSE BILL No. 6704

November 30, 2006, Introduced by Rep. Adamini and referred to the Committee on Judiciary.

A bill to amend 1956 PA 205, entitled
"The paternity act,"
by amending section 4 (MCL 722.714), as amended by 1998 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) An action under this act shall be brought in the
2 circuit court by the mother, the father, a child who became 18
3 years of age after August 15, 1984 and before June 2, 1986, or the
4 ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** as
5 provided in this act. The Michigan court rules for civil actions
6 apply to all proceedings under this act. A complaint shall be filed
7 in the county where the mother or child resides. If both the mother
8 and child reside outside of this state, then the complaint shall be
9 filed in the county where the putative father resides or is found.

1 The fact that the child was conceived or born outside of this state
2 is not a bar to entering a complaint against the putative father.

3 (2) An action to determine paternity shall not be brought
4 under this act if the child's father acknowledges paternity under
5 the acknowledgment of parentage act, **1996 PA 305, MCL 722.1001 TO**
6 **722.1013**, or if the child's paternity is established under the law
7 of another state.

8 (3) An action under this act may be commenced during the
9 pregnancy of the child's mother or at any time before the child
10 reaches 18 years of age. For a child who became 18 years of age
11 after August 15, 1984 and before June 2, 1986, an action under this
12 act may be commenced before January 1, 1995. This subsection
13 applies regardless of whether the cause of action accrued before
14 June 1, 1986 and regardless of whether the cause of action was
15 barred under this subsection before June 1, 1986. A summons issued
16 under this section shall be in the form the court determines and
17 shall be served in the same manner as is provided by court rules
18 for the service of process in civil actions.

19 (4) If the county ~~family independence agency~~ **OFFICE OF THE**
20 **DEPARTMENT OF HUMAN SERVICES** of the county in which the mother or
21 alleged father resides first determines that she or he has physical
22 possession of the child and is eligible for public assistance or
23 without means to employ an attorney; if the ~~family independence~~
24 ~~agency~~ **DEPARTMENT OF HUMAN SERVICES** is the complainant; or if the
25 mother, alleged father, or child is receiving services under part D
26 of title IV of the social security act, 42 ~~U.S.C.~~ **USC** 651 to ~~667~~
27 **669B**, then the prosecuting attorney or an attorney employed by the

1 county under section 1 of 1941 PA 15, MCL 49.71, shall initiate and
2 conduct proceedings under this act. The prosecuting attorney shall
3 utilize the child support formula developed ~~under section 19 of~~
4 ~~the friend of the court act, 1982 PA 294, MCL 552.519~~ **PURSUANT TO**
5 **THE CHILD SUPPORT FORMULA COMMISSION ACT**, as a guideline in
6 petitioning for child support. A complaint filed under this act
7 shall be verified by oath or affirmation.

8 (5) The party filing the complaint shall name the person
9 believed to be the father of the child and state in the complaint
10 the time and place, as near as possible, when and where the mother
11 became pregnant. If the ~~family independence agency~~ **DEPARTMENT OF**
12 **HUMAN SERVICES** is the plaintiff, the required facts shall be stated
13 upon information and belief.

14 (6) Upon the filing of a complaint, the court shall issue a
15 summons against the named defendant. If the defendant does not file
16 and serve a responsive pleading as required by the court rules, the
17 court may enter a default judgment. Neither party is required to
18 testify before entry of a default judgment in a proceeding under
19 this act.

20 (7) If, after service of process, the parties fail to consent
21 to an order naming the man as the child's father as provided in
22 this act within the time permitted for a responsive pleading, then
23 the ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or
24 its designee may file and serve both the mother and the alleged
25 father with a notice requiring that the mother, alleged father, and
26 child appear for genetic paternity testing as provided in section
27 6.

1 (8) If the mother, alleged father, or child does not appear
2 for genetic paternity testing as provided in subsection (7), then
3 the ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or
4 its designee may apply to the court for an order compelling genetic
5 paternity tests as provided in section 6 or may seek other relief
6 as permitted by statute or court rule.

7 (9) It is unnecessary in any proceedings under this act
8 commenced by or against a minor to have a next friend or guardian
9 ad litem appointed for the minor unless required by the circuit
10 judge. A minor may prosecute or defend any proceedings in the same
11 manner and with the same effect as if he or she were of legal age.

12 (10) If a child born out of wedlock is being supported in
13 whole or in part by public assistance, including medical
14 assistance, the ~~family independence agency~~ **DEPARTMENT OF HUMAN**
15 **SERVICES** may file a complaint on behalf of the child in the circuit
16 court in the county in which the child resides. The mother or
17 alleged father of the child shall be made a party plaintiff and
18 notified of the hearing on the complaint by summons. The complaint
19 made by the ~~family independence agency~~ **DEPARTMENT OF HUMAN**
20 **SERVICES** shall be verified by the director of the ~~family~~
21 ~~independence agency~~ **DEPARTMENT OF HUMAN SERVICES**, or his or her
22 designated representative, or by the director of the county ~~family~~
23 ~~independence agency~~ **OFFICE OF THE DEPARTMENT OF HUMAN SERVICES** of
24 the county in which an action is brought, or the county director's
25 designated representative.

26 (11) 1986 PA 107 ~~, which added this subsection,~~ does not
27 affect the rights of an indigent defendant in proceedings under

1 this act as established by decisions of the courts of this state
2 before June 1, 1986.

3 (12) If a determination of paternity is made under this act,
4 the court may enter an order of filiation as provided in section 7.
5 Regardless of who commences an action under this act, an order of
6 filiation entered under this act has the same effect, is subject to
7 the same provisions, and is enforced in the same manner as an order
8 of filiation entered on complaint of the mother or father.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 93rd Legislature are
11 enacted into law:

12 (a) Senate Bill No.____ or House Bill No. 6698(request no.
13 03402'05).

14 (b) Senate Bill No.____ or House Bill No. 6699(request no.
15 03402'05 a).