

HOUSE BILL No. 4522

March 22, 2007, Introduced by Reps. Byrum, Coulouris, LeBlanc, McDowell, Lahti, Ebli, Bieda, Valentine, Bennett, Byrnes, Angerer, Wenke and Young and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1956 PA 205, entitled
"The paternity act,"
by amending section 2 (MCL 722.712), as amended by 2004 PA 253.

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. They
3 are also liable for the child's funeral expenses. Subject to
4 subsections (2) and (3), based on each parent's ability to pay and
5 on any other relevant factor, the court may apportion, in the same
6 manner as medical expenses of the child are divided under the child
7 support formula, the reasonable and necessary expenses of the
8 mother's confinement and expenses in connection with her pregnancy
9 between the parents and require the parent who did not pay the

1 expense to pay his or her share of the expense to the other parent.
2 At the request of a person other than a parent who has paid the
3 expenses of the mother's confinement or expenses in connection with
4 her pregnancy, the court may order a parent against whom the
5 request is made to pay to the person other than a parent the
6 parent's share of the expenses.

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

12 (3) If medicaid has paid the confinement and pregnancy
13 expenses of a mother under this section, the court shall not
14 apportion confinement and pregnancy expenses to the mother. After
15 ~~the effective date of the amendatory act that added this subsection~~
16 **OCTOBER 1, 2004**, based on the father's ability to pay and any other
17 relevant factor, the court may apportion not more than 100% of the
18 reasonable and necessary confinement and pregnancy costs to the
19 father. If medicaid has not paid the confinement and pregnancy
20 expenses of the mother under this section, the court shall require
21 an itemized bill for the expenses upon request from the father
22 before an apportionment is made.

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

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

6 (5) Each confinement and pregnancy expenses order entered by
7 the court on or before ~~the effective date of the amendatory act~~
8 ~~that added this subsection~~ **OCTOBER 1, 2004** shall be considered by
9 operation of law to provide for the abatement of the remaining
10 unpaid confinement and pregnancy expenses if the father marries the
11 mother and shall be implemented under the same circumstances and
12 enforced in the same manner as for the abatement of confinement and
13 pregnancy expenses provided by subsection (4).

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

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

22 **(8) AN ORDER OF FILIATION, OR ANY DOCUMENT ATTACHED TO OR**
23 **FILED IN THE CASE FILE WITH THE ORDER, SHALL NOT CONTAIN PERSONAL**
24 **IDENTIFYING INFORMATION, UNLESS SPECIFICALLY REQUIRED BY STATE OR**
25 **FEDERAL LAW, RULE, OR REGULATION OR BY A COURT ORDER OR RULE. THIS**
26 **SECTION DOES NOT AFFECT AN OBLIGATION OF A PERSON TO PROVIDE**
27 **PERSONAL IDENTIFYING INFORMATION TO THE FRIEND OF THE COURT OR**

1 ANOTHER PERSON.

2 (9) ~~(8)~~—As used in this section: ~~,"medicaid"~~

3 (A) "MEDICAID" means the medical assistance program
4 administered by the state under section 105 of the social welfare
5 act, 1939 PA 280, MCL 400.105.

6 (B) "PERSONAL IDENTIFYING INFORMATION" MEANS THAT TERM AS
7 DEFINED IN SECTION 3 OF THE IDENTITY THEFT PROTECTION ACT, 2004 PA
8 452, MCL 445.63, EXCEPT THAT PERSONAL IDENTIFYING INFORMATION DOES
9 NOT INCLUDE A PERSON'S NAME OR ADDRESS.