

HOUSE BILL No. 4795

April 2, 2009, Introduced by Reps. Kennedy, Byrum, Haase, Huckleberry, Scripps, Terry Brown, Geiss, Donigan, Durhal, Bauer, Haugh, Leland, Segal and Meadows and referred to the Committee on Judiciary.

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~~**HEALTH CARE** expenses of the child are divided
7 under the child support formula **DEVELOPED UNDER SECTION 19 OF THE**
8 **FRIEND OF THE COURT ACT, 1982 PA 294, MCL 552.519**, the reasonable
9 and necessary expenses of the mother's confinement and expenses in
10 connection with her pregnancy between the parents and require the
11 parent who did not pay the expense to pay his or her share of the

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

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

11 (3) If medicaid has paid the confinement and pregnancy
12 expenses of a mother under this section, the court shall not
13 apportion confinement and pregnancy expenses to the mother. After
14 ~~the effective date of the amendatory act that added this subsection~~
15 **OCTOBER 1, 2004**, based on the father's ability to pay and any other
16 relevant factor, the court may apportion not more than 100% of the
17 reasonable and necessary confinement and pregnancy costs to the
18 father. If medicaid has not paid the confinement and pregnancy
19 expenses of the mother under this section, the court shall require
20 an itemized bill for the expenses upon request from the father
21 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 documentation
24 of the marriage to the friend of the court, the father's obligation
25 for payment of any remaining unpaid confinement and pregnancy
26 expenses is abated subject to reinstatement after notice and
27 hearing for good cause shown, including, but not limited to,

1 dissolution of the marriage. The remaining unpaid amount of the
2 confinement and pregnancy expenses owed by the father is abated as
3 of the date that documentation of the marriage is provided to the
4 friend of the court.

5 (5) ~~Each~~ **AN ORDER FOR THE PAYMENT OF** confinement and pregnancy
6 expenses ~~order entered by the A court on or before the effective~~
7 ~~date of the amendatory act that added this subsection~~ **OCTOBER 2,**
8 **2004** shall be considered by operation of law to provide for the
9 abatement of the remaining unpaid confinement and pregnancy
10 expenses if the father marries the mother. ~~and~~ **THE PROVISIONS**
11 **IMPUTED TO AN ORDER UNDER THIS SUBSECTION** shall be implemented
12 under the same circumstances and enforced in the same manner as for
13 the abatement of confinement and pregnancy expenses ~~provided by~~
14 **INCLUDED IN AN ORDER UNDER** subsection (4).

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

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

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

1 PERSONAL IDENTIFYING INFORMATION TO THE FRIEND OF THE COURT OR
2 ANOTHER PERSON.

3 (9) THE COURT MAY ORDER THAT AN ORDER OF FILIATION OR DOCUMENT
4 THAT DOES NOT COMPLY WITH SUBSECTION (8) BE FILED IN THE CASE FILE
5 IF THE PERSONAL IDENTIFYING INFORMATION IS REDACTED.

6 (10) ~~(8)~~As used in this section: ~~,"medicaid"~~

7 (A) "MEDICAID" means the medical assistance program
8 administered by ~~the~~THIS state under section 105 of the social
9 welfare act, 1939 PA 280, MCL 400.105.

10 (B) "PERSONAL IDENTIFYING INFORMATION" MEANS THAT TERM AS
11 DEFINED IN SECTION 3 OF THE IDENTITY THEFT PROTECTION ACT, 2004 PA
12 452, MCL 445.63, EXCEPT THAT PERSONAL IDENTIFYING INFORMATION DOES
13 NOT INCLUDE A PERSON'S NAME OR ADDRESS.