

Legislative Analysis



FATHER TO PAY AT LEAST HALF OF PREGNANCY EXPENSES AND HEALTH INSURANCE FOR CHILD

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5860 as introduced
Sponsor: Rep. Mark A. Tisdell

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5861 as introduced
Sponsor: Rep. Pamela Hornberger

Committee: Judiciary
Complete to 5-3-22

SUMMARY:

House Bill 5860 would amend the Paternity Act to require the biological father of a child born out of wedlock to pay at least half of the mother's pregnancy expenses (defined as the mother's health insurance premiums during pregnancy and related medical costs).

House Bill 5861 would amend the Support and Parenting Time Enforcement Act to require a court, when ordering child support, to require a father to pay at least half of the child's health insurance premium until the child either was no longer a dependent of a parent or reached the age of 26, whichever occurred first.

A father who failed to pay the court-ordered share of pregnancy expenses or the child's insurance premium as required under the bills would be subjected to income withholding as provided under the Support and Parenting Time Enforcement Act.

House Bill 5860

Section 2 of the Paternity Act provides that the parents of a child born out of wedlock are liable for the medical expenses connected to the pregnancy and the child's birth. House Bill 5860 would amend section 2 to add that, except as otherwise provided, a father of a child has a duty to pay not less than 50% of the mother's *pregnancy expenses*.

Pregnancy expenses would mean an amount equal to the sum of a pregnant mother's health insurance premiums while pregnant that are not paid by an employer or government program and medical costs related to the pregnancy, retroactive to the date on which prenatal care began and before the pregnancy ends, minus any portion that a court determined to be equitable based on the totality of the circumstances, not including any amount paid by the mother or father of the child.

Under the bill, the court could order the father to pay more than 50% of the pregnancy expenses based on the father's ability to pay, but could not order the father to pay less than 50%. Any portion of a mother's pregnancy expenses paid by either parent would reduce that parent's share, not the total amount of pregnancy expenses. The bill's provisions would apply regardless of when the mother or father paid the pregnancy expense. Moreover, the bill's establishment of a duty to pay at least 50% of the pregnancy expenses would not create an obligation for a mother to interact with or be bound financially to the biological father. A provider would not

have to separately bill a father for pregnancy expenses in order for that father to be responsible for his portion of the pregnancy expenses. If a father became delinquent in paying his share of all or part of the pregnancy expenses, income withholding for the delinquent amount would take effect as provided in section 7 of the Support and Parenting Time Enforcement Act.

Current provisions

If Medicaid *has not paid* a medical expense connected to the mother's pregnancy or the child's birth, a court is required—if a parent has requested and an action has been brought under the act—to apportion an expense determined to be reasonable and necessary between the parents based on each parent's ability to pay. If one parent has paid the expense, the court has discretion to require the other parent to pay his or her share of the expense to the parent who paid the expense. If a person other than a parent paid the expense, the court also has discretion to order a parent against whom the request is made to repay that person for that share of the expense.

If Medicaid *has paid* a medical expense connected to the mother's pregnancy or the birth of the child, upon request from the Office of Child Support (OCS) or its designee, the court in a paternity action is required to do all of the following:

- Determine the amount of the expense that was reasonable and necessary by using the actuarially based case rate established and certified by the Department of Health and Human Services (DHHS) or the amount of the expense paid by the DHHS.
- Apportion that amount to the father using the method established under the OCS Act and require the father to pay the amount apportioned to him to the Medicaid agency, through the state disbursement unit. The court cannot require the mother to pay any of the expenses.

The bill would not make substantive changes to these provisions.

MCL 722.712

House Bill 5861 would require a court that orders child support to also order the father to pay at least 50% of a child's health insurance premium until the child is no longer a dependent of a parent or until the child reaches 26 years of age, whichever occurs first. The court also could order the child's father to pay more than 50% of the insurance premium based on the father's ability to pay, but could not order the father to pay less than 50%. If the father became delinquent in paying his share of all or part of the child's insurance premium, income withholding for the delinquent amount would take effect as provided in section 7 of the act.

Under the act, if a child support order is entered, a court must require one or both parents to obtain or maintain health care coverage accessible to the child and available to the parent at a reasonable cost. In addition, a court may order support for a child after the child reaches 18 years of age for the time that the child is regularly attending high school on a full-time basis with a reasonable expectation of completing the credits necessary to graduate while residing with the recipient of the support or while residing in an institution, but in no case after the child reaches 19 years and 6 months of age. The bill would not amend these provisions.

MCL 552.605b

Neither bill will take effect unless both bills are enacted.

FISCAL IMPACT:

House Bill 5860 would have a negligible fiscal impact on state expenditures to the Department of Health and Human Services or local units of government. Under the provisions of the bill, the father of the child would be required to pay at least 50% of pregnancy expenses not paid by an employer or government program based on his ability to pay. Medicaid is considered a government program, and so the current provisions of this act related to apportioning pregnancy and birth costs paid by Medicaid would not change.

House Bill 5861 would not have a fiscal impact on the state or on local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analysts: Sydney Brown
Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.