

HOUSE BILL NO. 5860

March 01, 2022, Introduced by Reps. Tisdell, Roth, Markkanen, Beeler, Fink, Allor, Marino, Green, LaFave, Meerman, Mueller, Rendon and Hornberger 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 2009 PA 235.

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 all of the following:
- 3 (a) The medical expenses connected to the mother's pregnancy.
 - 4 (b) The medical expenses connected to the **child's** birth. ~~of~~
 - 5 ~~the child.~~

1 (c) The necessary support and education of the child.

2 (d) The child's funeral expenses.

3 (2) Subject to subsection (3), if ~~medicaid~~**Medicaid** has not
4 paid a medical expense described in subsection (1)(a) or (b), on
5 request from a parent, the court in an action brought under this
6 act shall do all of the following:

7 (a) If the court determines the expense to be reasonable and
8 necessary, apportion the expense between the parents based on each
9 parent's ability to pay and on any other relevant factor, in the
10 same manner as health care expenses of a child are divided under
11 the child support formula established under section 19 of the
12 friend of the court act, 1982 PA 294, MCL 552.519.

13 (b) In the court's discretion, if 1 parent has paid the
14 expense, require the parent who did not pay the expense to pay his
15 or her share of the expense to the other parent.

16 (c) In the court's discretion, at the request of a person
17 other than a parent who has paid the expense, order a parent
18 against whom the request is made to pay to the person the parent's
19 share of the expense.

20 (d) On request from a parent, require an itemized bill for the
21 expense before making an apportionment under this subsection.

22 (3) Subject to subsection ~~(4)~~, **(8)**, if ~~medicaid~~**Medicaid** has
23 paid a medical expense described in subsection (1)(a) or (b), on
24 request from the office of child support or its designee, the court
25 in an action brought under this act shall do all of the following:

26 (a) Determine the amount of the expense that is reasonable and
27 necessary by using the actuarially based case rate established and
28 certified by the department of ~~community~~**and human services**
29 or the amount of the expense certified by the department of

~~community~~ health and human services.

(b) Apportion the amount determined under subdivision (a) to the father using the method established under section 3(o) of the office of child support act, 1971 PA 174, MCL 400.233.

(c) Require the father to pay the amount apportioned to the father under subdivision (b) to the ~~medicaid~~ **Medicaid** agency through the state disbursement unit.

(d) Not require the mother to pay any of the expenses.

(4) Except as otherwise provided in this section, a father of a child has a duty to pay not less than 50% of the mother's pregnancy expenses. The court may order the father of a child to pay more than 50% of the pregnancy expenses based on the father's ability to pay but not less than 50%. Any portion of a mother's pregnancy expenses paid by the mother or the father reduces that parent's share, not the total amount of pregnancy expenses. This subsection applies regardless of when the mother or father pays the pregnancy expense. The duty to pay established under this subsection does not create an obligation for a mother to interact with or be bound financially to the biological father.

(5) This section does not require a provider to separately bill a father for pregnancy expenses in order for that father to be responsible for his portion of those pregnancy expenses.

(6) ~~(4)~~—If a pregnancy or a complication of a pregnancy has been determined in another proceeding to have been the result of either a physical or sexual battery by a party to the case, the court ~~shall~~ **must apportion the medical expenses described in subsection (1)(a) and (b) to the party who was the perpetrator of the battery.**

(7) ~~(5)~~—A court order entered under subsection (2), ~~or~~ (3), or

(4) shall provide that if the father marries the mother after the birth of the child and provides a copy of the marriage license or other documentation of the marriage to the friend of the court, the father's obligation for payment of any unpaid medical expense described in subsection (1)(a) or (b) is abated subject to reinstatement after notice and hearing for good cause shown, including, but not limited to, dissolution of the marriage. An expense abated under this subsection is abated as of the date that documentation of the marriage is provided to the friend of the court.

(8) ~~(6)~~ An order that provides for the payment of a medical expense connected to a mother's pregnancy or a child's birth entered by the court in an action under this act on or before October 1, 2004 ~~shall be~~ **is** considered by operation of law to provide for the abatement of ~~any such~~ **that** medical expense that remains unpaid if the father marries the mother. An abatement under this subsection ~~shall~~ **must** be implemented under the same circumstances and enforced in the same manner as an abatement of expenses under subsection ~~(5)~~ **(7)**.

(9) ~~(7)~~ The court ~~shall~~ **must** admit in proceedings under this act a bill for funeral expenses or for expenses connected to the mother's pregnancy or the birth of the child, or actuarially based case rates as determined by the department of ~~community health~~ **and human services**, without third party foundation testimony. A bill or case rates admitted under this subsection are prima facie evidence of the relevant funeral or medical expense.

(10) ~~(8)~~ This section does not prohibit the department of ~~community health~~ **and human services** from seeking reimbursement of expenses from a party or other person, including an insurer, by a

1 legal procedure other than an action under this act.

2 (11) ~~(9)~~ If the father of a child born out of wedlock dies, an
3 order of filiation or a judicially approved settlement made before
4 his death is enforceable against his estate in the same manner and
5 way as a divorce decree.

6 (12) If a father becomes delinquent in paying his share of all
7 or part of the pregnancy expenses, income withholding for the
8 delinquent amount takes effect as provided in section 7 of the
9 support and parenting time enforcement act, 1982 PA 295, MCL
10 552.607.

11 (13) ~~(10)~~ As used in this section: ~~"medicaid"~~

12 (a) "Medicaid" means the medical assistance program
13 administered by this state under section 105 of the social welfare
14 act, 1939 PA 280, MCL 400.105.

15 (b) "Pregnancy expenses" means an amount equal to the sum of a
16 pregnant mother's health insurance premiums while pregnant that are
17 not paid by an employer or government program and medical costs
18 related to the pregnancy, retroactive to the date on which prenatal
19 care began and before the pregnancy ends minus any portion that a
20 court determines is equitable based on the totality of the
21 circumstances, not including any amount paid by the mother or
22 father of the child.

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. ____ or House Bill No. 5861 (request no.
25 03781'21) of the 101st Legislature is enacted into law.