THE PATERNITY ACT
Act 205 of 1956

AN ACT to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act.

History: 1956, Act 205, Eff. Aug. 11, 1956.

The People of the State of Michigan enact:

722.711 Definitions.

Sec. 1. As used in this act:

(a) "Child born out of wedlock" means a child begotten and born to a woman who was not married from the conception to the date of birth of the child, or a child that the court has determined to be a child born or conceived during a marriage but not the issue of that marriage.

(b) "Child" means a child born out of wedlock.

(c) "Mother" means the mother of a child born out of wedlock.

(d) "Court" means the circuit court.

(e) "DNA identification profile" means the results of the DNA identification profiling of genetic testing material.

(f) "DNA identification profiling" means a validated scientific method of analyzing components of deoxyribonucleic acid molecules in a sample of genetic testing material to identify the pattern of the components' chemical structure that is unique to the individual.

(g) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(h) "Genetic testing material" means a sample of an individual's blood, saliva, or tissue collected from the individual that is used for genetic paternity testing conducted under this act.

(i) "Summary report" means a written summary of the DNA identification profile that includes only the following information:

(*i*) The court case number, if applicable, the laboratory case number or identification number, and the family independence agency case number.

(*ii*) The mother's name and race.

(*iii*) The child's name.

(*iv*) The alleged father's name and race.

(*v*) The collection dates and identification numbers of the genetic testing material.

(*vi*) The cumulative paternity index.

(*vii*) The probability of paternity.

(*viii*) The conclusion as to whether the alleged father can or cannot be excluded as the biological father.

(*ix*) The name, address, and telephone number of the contracting laboratory.

(*x*) The name of the individual certifying the report.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1980, Act 54, Imd. Eff. Mar. 31, 1980;—Am. 1986, Act 107, Eff. June 1, 1986;—Am. 1998, Act 113, Eff. Aug. 10, 1998;—Am. 1999, Act 157, Imd. Eff. Nov. 3, 1999;—Am. 2000, Act 31, Imd. Eff. Mar. 15, 2000.

722.712 Child born out of wedlock; liability of parents; duties of court; medical expenses; death of father of child born out of wedlock; "Medicaid" defined.

Sec. 2. (1) The parents of a child born out of wedlock are liable for all of the following:

(a) The medical expenses connected to the mother's pregnancy.

(b) The medical expenses connected to the birth of the child.

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

(d) The child's funeral expenses.

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

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

(b) In the court's discretion, if 1 parent has paid the expense, require the parent who did not pay the

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expense to pay his or her share of the expense to the other parent.

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

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

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

(a) Determine the amount of the expense that is reasonable and necessary by using the actuarially based case rate established and certified by the department of community health or the amount of the expense certified by the department of community health.

(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 agency through the state disbursement unit.

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

(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 apportion the medical expenses described in subsection (1)(a) and (b) to the party who was the perpetrator of the battery.

(5) A court order entered under subsection (2) or (3) 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.

(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 considered by operation of law to provide for the abatement of any such medical expense that remains unpaid if the father marries the mother. An abatement under this subsection shall be implemented under the same circumstances and enforced in the same manner as an abatement of expenses under subsection (5).

(7) The court shall 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, 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.

(8) This section does not prohibit the department of community health from seeking reimbursement of expenses from a party or other person, including an insurer, by a legal procedure other than an action under this act.

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

(10) As used in this section, "medicaid" means the medical assistance program administered by this state under section 105 of the social welfare act, 1939 PA 280, MCL 400.105.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1998, Act 113, Eff. Aug. 10, 1998;—Am. 2004, Act 204, Eff. Oct. 1, 2004;—Am. 2004, Act 253, Eff. Oct. 1, 2004;—Am. 2009, Act 235, Imd. Eff. Jan. 8, 2010.

722.713 Repealed. 1996, Act 308, Eff. June 1, 1997.

Compiler's note: The repealed section pertained to father's agreement for support and education.

722.714 Paternity proceeding; parties; venue; action not required; commencement of action; statute of limitations; initiating and conducting proceedings; child support formula as guideline; verification of complaint; agreement to transfer prosecutor's responsibilities; charge; summons; default judgment; genetic paternity testing; next friend or guardian ad litem; rights of indigent defendant; order of filiation.

Sec. 4. (1) An action under this act shall be brought in the circuit court by the mother, the father, a child who became 18 years of age after August 15, 1984 and before June 2, 1986, or the department of human services as provided in this act. The Michigan court rules for civil actions apply to all proceedings under this act. A complaint shall be filed in the county where the mother or child resides. If both the mother and child reside outside of this state, then the complaint shall be filed in the county where the putative father resides or is found. The fact that the child was conceived or born outside of this state is not a bar to entering a complaint

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against the putative father.

(2) An action to determine paternity shall not be brought under this act if the child's father acknowledges paternity under the acknowledgment of parentage act, or if the child's paternity is established under the law of another state.

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

(4) If the county department of human services of the county in which the mother or alleged father resides first determines that she or he has physical possession of the child and is eligible for public assistance or without means to employ an attorney; if the department of human services is the complainant; or if the mother, alleged father, or child is receiving services under part D of title IV of the social security act, 42 USC 651 to 669b, then the prosecuting attorney shall initiate and conduct proceedings under this act. The child support formula developed under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519, shall be used as a guideline in petitioning for child support. A complaint filed under this act shall be verified by oath or affirmation.

(5) The prosecuting attorney and the department of human services may enter into an agreement to transfer the prosecutor's responsibilities under this act to 1 of the following:

(a) The friend of the court, with the approval of the chief judge of the circuit court.

(b) An attorney employed or contracted by the county under section 1 of 1941 PA 15, MCL 49.71.

(c) An attorney employed by or under contract with the department of human services.

(6) A proceeding under this section is conducted on behalf of the state and not as the attorney for any other party.

(7) The party filing the complaint shall name the person believed to be the father of the child and state in the complaint the time and place, as near as possible, when and where the mother became pregnant. If the department of human services is the plaintiff, the required facts shall be stated upon information and belief.

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

(9) If, after service of process, the parties fail to consent to an order naming the man as the child's father as provided in this act within the time permitted for a responsive pleading, then the department of human services or its designee may file and serve both the mother and the alleged father with a notice requiring that the mother, alleged father, and child appear for genetic paternity testing as provided in section 6.

(10) If the mother, alleged father, or child does not appear for genetic paternity testing as provided in subsection (9), then the department of human services or its designee may apply to the court for an order compelling genetic paternity tests as provided in section 6 or may seek other relief as permitted by statute or court rule.

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

(12) If a child born out of wedlock is being supported in whole or in part by public assistance, including medical assistance, the department of human services may file a complaint on behalf of the child in the circuit court in the county in which the child resides. The mother or alleged father of the child shall be made a party plaintiff and notified of the hearing on the complaint by summons. The complaint made by the department of human services shall be verified by the director of the department of human services, or his or her designated representative, or by the director of the county department of human services of the county in which an action is brought, or the county director's designated representative.

(13) 1986 PA 107, which added this subsection, does not affect the rights of an indigent defendant in proceedings under this act as established by decisions of the courts of this state before June 1, 1986.

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

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History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1962, Act 238, Eff. Mar. 28, 1963;—Am. 1972, Act 98, Eff. Mar. 30, 1973;—Am. 1986, Act 107, Eff. June 1, 1986;—Am. 1992, Act 289, Eff. Jan. 1, 1993;—Am. 1994, Act 388, Imd. Eff. Dec. 29, 1994;—Am. 1996, Act 308, Eff. June 1, 1997;—Am. 1998, Act 113, Eff. Aug. 10, 1998;—Am. 2014, Act 367, Eff. Mar. 17, 2015.

722.714a Summons or notice; notification of obligation and rights; court order for genetic paternity testing.

Sec. 4a. (1) The summons or other initial notice to a party in an action under this act shall contain notification that the party's obligation to support the child will be determined and that the party's rights to custody of and parenting time with the child may be determined during the paternity action.

(2) The family independence agency or its designee that requires a party to appear for genetic paternity testing as provided in section 4, or the party requesting genetic paternity testing if a court orders genetic paternity testing for an individual as provided in section 4, shall serve notice of the testing on the mother and the alleged father. The notice shall include explanations of all of the following:

(a) The test to be performed.

(b) The purpose and potential uses of the test.

(c) How the test results will be used to establish paternity or nonpaternity as provided in section 6.

(d) How the individual will be provided with the test results.

(e) The individual's right to keep the test results confidential as provided in section 6a.

History: Add. 1994, Act 388, Eff. Oct. 1, 1995;—Am. 1996, Act 18, Eff. June 1, 1996;—Am. 1998, Act 113, Eff. Aug. 10, 1998.

722.714b Effect of paternity in another state.

Sec. 4b. The establishment of paternity under the law of another state has the same effect and may be used for the same purposes as an acknowledgment of paternity or order of filiation under this act.

History: Add. 1994, Act 388, Imd. Eff. Dec. 29, 1994.

722.715 Mother and alleged father competent to testify; cross-examination; exclusion of public; continuance until birth of child.

Sec. 5. (1) Both the mother and the alleged father of the child shall be competent to testify, and if either gives evidence he or she shall be subject to cross-examination. The court may exclude the general public from the room where proceedings are held, pursuant to this act, admitting only persons directly interested in the case, including the officers of the court, officers or public welfare agents presenting the case, and witnesses.

(2) If the child is not born at the time set for trial, the case, unless the defendant mother or defendant father consents to trial, shall be continued until the child is born.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1966, Act 146, Eff. Mar. 10, 1967;—Am. 1986, Act 107, Eff. June 1, 1986;—Am. 1989, Act 258, Imd. Eff. Dec. 26, 1989;—Am. 1998, Act 113, Eff. Aug. 10, 1998.

722.716 Pretrial proceedings; blood or tissue typing determinations as to mother, child, and alleged father; court order; refusal to submit to typing or identification profiling; qualifications of person conducting typing or identification profiling; compensation of expert; result of typing or identification profiling; filing summary report; objection; admissibility; establishment of paternity.

Sec. 6. (1) In a proceeding under this act before trial, the court, upon application made by or on behalf of either party, or on its own motion, shall order that the mother, child, and alleged father submit to blood or tissue typing determinations that may include, but are not limited to, determinations of red cell antigens, red cell isoenzymes, human leukocyte antigens, serum proteins, or DNA identification profiling, to determine whether the alleged father is likely to be, or is not, the father of the child. If the court orders a blood or tissue typing or DNA identification profiling to be conducted and a party refuses to submit to the typing or DNA identification profiling, in addition to any other remedies available, the court may do either of the following:

(a) Enter a default judgment at the request of the appropriate party.

(b) If a trial is held, allow the disclosure of the fact of the refusal unless good cause is shown for not disclosing the fact of refusal.

(2) A blood or tissue typing or DNA identification profiling shall be conducted by a person accredited for paternity determinations by a nationally recognized scientific organization, including, but not limited to, the American association of blood banks.

(3) The court shall fix the compensation of an expert at a reasonable amount and may direct the compensation to be paid by the county or by any other party to the case, or by both in the proportions and at the times the court prescribes. Before blood or tissue typing or DNA identification profiling is conducted, the court may order a part or all of the compensation paid in advance. If the department of human services paid

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for the genetic testing expenses, the court may order repayment by the alleged father if the court declares paternity. Documentation of the genetic testing expenses is admissible as evidence of the amount, which evidence constitutes prima facie evidence of the amount of those expenses without third party foundation testimony.

(4) Subject to subsection (5), the result of blood or tissue typing or a DNA identification profile and the summary report shall be served on the mother and alleged father. The summary report shall be filed with the court. Objection to the DNA identification profile or summary report is waived unless made in writing, setting forth the specific basis for the objection, within 14 calendar days after service on the mother and alleged father. The court shall not schedule a trial on the issue of paternity until after the expiration of the 14-day period. If an objection is not filed, the court shall admit in proceedings under this act the result of the blood or tissue typing or the DNA identification profile and the summary report without requiring foundation testimony or other proof of authenticity or accuracy. If an objection is filed within the 14-day period, on the motion of either party, the court shall hold a hearing to determine the admissibility of the DNA identification profile or summary report. The objecting party has the burden of proving by clear and convincing evidence by a qualified person described in subsection (2) that foundation testimony or other proof of authenticity or accuracy is necessary for admission of the DNA identification profile or summary report.

(5) If the probability of paternity determined by the qualified person described in subsection (2) conducting the blood or tissue typing or DNA identification profiling is 99% or higher, and the DNA identification profile and summary report are admissible as provided in subsection (4), paternity is established. If the results of the analysis of genetic testing material from 2 or more persons indicate a probability of paternity greater than 99%, the contracting laboratory shall conduct additional genetic paternity testing until all but 1 of the putative fathers is eliminated, unless the dispute involves 2 or more putative fathers who have identical DNA.

(6) This section does not abrogate the right of either party to child support from the date of birth of the child if applicable under section 7.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1982, Act 129, Imd. Eff. Apr. 20, 1982;—Am. 1989, Act 258, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 303, Imd. Eff. Dec. 14, 1990;—Am. 1994, Act 388, Imd. Eff. Dec. 29, 1994;—Am. 1996, Act 308, Eff. June 1, 1997;—Am. 1998, Act 113, Eff. Aug. 10, 1998;—Am. 2000, Act 31, Imd. Eff. Mar. 15, 2000;—Am. 2014, Act 364, Eff. Mar. 17, 2015.

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722.716a Information obtained from genetic paternity testing; disclosure prohibited; retention and destruction of material; confidentiality; sale, transfer, or offer; audit; violation as misdemeanor; penalty.

Sec. 6a. (1) Except as authorized under this act, a person shall not disclose information obtained from genetic paternity testing that is authorized under this act.

(2) If an alleged father who is tested as part of an action under this act is found to be the child's father, the contracting laboratory shall retain the genetic testing material of the alleged father, mother, and child for no longer than the period of years prescribed by the national standards under which the laboratory is accredited. If a man is found not to be the child's father, the contracting laboratory shall destroy the man's genetic testing material after it is used in the paternity action, in compliance with section 13811 of the public health code, 1978 PA 368, MCL 333.13811, and in the presence of a witness. The witness may be an individual who is a party to the destruction of the genetic testing material. After the man's genetic testing material is destroyed, the contracting laboratory shall make and keep a written record of the destruction and have the individual who witnessed the destruction sign the record. The contracting laboratory shall also expunge the contracting laboratory's records regarding the genetic paternity testing performed on the genetic testing material in accordance with the national standards under which the laboratory is accredited. The contracting laboratory shall retain the genetic testing material of the mother and child for no longer than the period of years prescribed by the national standards under which the laboratory is accredited. After a contracting laboratory destroys an individual's genetic testing material as provided in this subsection, it shall notify the adult individual, or the parent or legal guardian of a minor individual, by certified mail that the genetic testing material was destroyed.

(3) A contracting laboratory, the family independence agency or its designee, or another entity involved with the genetic paternity testing are all required to protect the confidentiality of genetic testing material, except as required for a paternity determination under this act. The court, its officers, and the family independence agency shall not use or disclose genetic testing material for a purpose other than the paternity determination as authorized by this act.

(4) A person shall not sell, transfer, or offer genetic testing material obtained under this act except as authorized by this act.

(5) A contracting laboratory shall annually cause to be conducted an independent audit verifying the contracting laboratory's compliance with this section and section 6. The audit shall not disclose the names of,

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or otherwise identify, the test subjects required to submit to blood or tissue typing or DNA identification profiling under section 6 during the previous year. The contracting laboratory shall forward the audit to the department of consumer and industry services.

(6) A violation of this section is a misdemeanor punishable by a fine of not more than $5,000.00. A second or subsequent violation of this section is a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $10,000.00, or both.

History: Add. 1998, Act 113, Eff. Aug. 10, 1998;—Am. 2000, Act 31, Imd. Eff. Mar. 15, 2000.

722.717 Order of filiation; circumstances; contents; support order; retroactivity; enforcement of judgment or order; fee; report to director of department of community health; service of copies to parties.

Sec. 7. (1) In an action under this act, the court shall enter an order of filiation declaring paternity and providing for the support of the child under 1 or more of the following circumstances:

(a) The finding of the court or the verdict determines that the man is the father.

(b) The defendant acknowledges paternity either orally to the court or by filing with the court a written acknowledgment of paternity.

(c) The defendant is served with summons and a default judgment is entered against him or her.

(d) Genetic testing under section 6 determines that the man is the father.

(2) An order of filiation entered under subsection (1) shall specify the sum to be paid weekly or otherwise, as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, until the child reaches the age of 18. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support for a child after he or she reaches 18 years of age. In addition to providing for the support of the child, the order shall also provide for the payment of the necessary expenses connected to the mother's pregnancy and the birth of the child and for the funeral expenses if the child has died, as determined by the court under section 2. A child support obligation is only retroactive to the date that the paternity complaint was filed unless any of the following circumstances exist:

(a) The defendant was avoiding service of process.

(b) The defendant threatened or coerced through domestic violence or other means the complainant not to file a proceeding under this act.

(c) The defendant otherwise delayed the imposition of a support obligation.

(3) A judgment or order entered under this act providing for the support of a child or payment of expenses connected to the mother's pregnancy or the birth of the child is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

(4) Upon entry of an order of filiation, the clerk of the court shall collect a fee of $9.00 for entering the order and the fee imposed by section 2891(9)(a) of the public health code, 1978 PA 368, MCL 333.2891, from the person against whom the order of filiation is entered. The clerk shall retain the $9.00 fee and remit the fee imposed by section 2891(9)(a) of the public health code, 1978 PA 368, MCL 333.2891, with a written report of the order of filiation, to the director of the department of community health. The report shall be on a form prescribed by or in a manner approved by the director of the department of community health. Regardless of whether the fees required by this section are collected, the clerk shall transmit and the department of community health shall receive the report of the order of filiation.

(5) If an order of filiation or acknowledgment of parentage is abrogated by a later judgment or order of a court, the clerk of the court that entered the order shall immediately communicate that fact to the director of the department of community health on a form prescribed by the director of the department of community health. An order of filiation supersedes an acknowledgment of parentage.

(6) Within the time prescribed by court rule, the party, attorney, or agency that secures the signing of an order of filiation shall serve a copy of the order on all parties to the action and file proof of service with the court clerk.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1962, Act 238, Eff. Mar. 28, 1963;—Am. 1986, Act 107, Eff. June 1, 1986;—Am. 1989, Act 277, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 244, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 294, Imd. Eff. Dec. 14, 1990;—Am. 1993, Act 146, Imd. Eff. Aug. 19, 1993;—Am. 1994, Act 388, Eff. Oct. 1, 1995;—Am. 1996, Act 18, Eff. June 1, 1996;—Am. 1996, Act 308, Eff. June 1, 1997;—Am. 2001, Act 109, Eff. Sept. 30, 2001;—Am. 2004, Act 209, Eff. Oct. 1, 2004;—Am. 2009, Act 235, Imd. Eff. Jan. 8, 2010;—Am. 2014, Act 364, Eff. Mar. 17, 2015.

722.717a Repealed. 2001, Act 109, Eff. Sept. 30, 2001.

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Compiler's note: The repealed section pertained to support for child after child reaches 18 years of age.

722.717b Provisions for custody and parenting time; temporary order in case of dispute; referral to friend of the court; attorneys not required to represent parties in dispute.

Sec. 7b. If the court makes a determination of paternity and there is no dispute regarding custody, the court shall include in the order of filiation specific provisions for the custody and parenting time of the child as provided in the child custody act of 1970, Act No. 91 of the Public Acts of 1970, being sections 722.21 to 722.29 of the Michigan Compiled Laws. If there is a dispute between the parties concerning custody or parenting time, the court shall immediately enter an order that establishes support and temporarily establishes custody of and parenting time with the child. Pending a hearing on or other resolution of the dispute, the court may also refer the matter to the friend of the court for a report and recommendation as provided in section 5 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being section 552.505 of the Michigan Compiled Laws. In a dispute regarding custody or parenting time, the prosecuting attorney, an attorney appointed by the county, or an attorney appointed by the court under section 4 shall not be required to represent either party regarding that dispute.

History: Add. 1994, Act 388, Eff. Oct. 1, 1995;—Am. 1996, Act 18, Eff. June 1, 1996;—Am. 1996, Act 308, Eff. June 1, 1997.

722.718 Payments to friend of court, clerk of court, or state disbursement unit; disbursement.

Sec. 8. The court shall require the payment of money to be made to the friend of the court, clerk of the court, or state disbursement unit, which money shall be disbursed in accordance with the order of the court, except that upon certification by a county family independence agency that a complainant is receiving public assistance, a payment received by the friend of the court for support and education of a child born out of wedlock shall be transmitted to the family independence agency.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1971, Act 176, Imd. Eff. Dec. 2, 1971;—Am. 1999, Act 157, Imd. Eff. Nov. 3, 1999.

722.719 Bond to perform court order and indemnify county; filing; dismissal of complaint; default; issuance of citation to principal and sureties; service; execution; contempt of court; commitment; decree or judgment; appointment of receiver.

Sec. 9. (1) The person so adjudged to be the father of the child may be required to give bond with 1 or more sufficient sureties to the satisfaction of the court, to perform the order of the court, and to indemnify the county that is chargeable with the confinement expenses and with the maintenance of the child. The bond shall be filed with the friend of the court or the clerk of the court. If on the trial he is adjudged not to be the father of the child, the court shall dismiss the complaint; and the judgment of the court is final.

(2) If default is made in the payment of an installment or a part of the installment, mentioned in the bond filed under subsection (1), the judge of the court in which the bond is filed, at the request of the mother, guardian, or any other person interested in the support of the child, shall issue a citation to the principal and sureties in the bond requiring them to appear on a day specified in the citation, and show cause why execution shall not issue against them for the amount of the installment due and unpaid on the bond. The citation shall be served by the sheriff of any county in which the principal or sureties reside or may be found. If the amount due on the installment is not paid on or before the time mentioned for showing cause, the judge shall render judgment in favor of the complainant against the principal and sureties who have been served with the citation, for the amount unpaid on the installment due on the bond. Execution shall issue from the court against the goods and chattels of the person or persons against whom the judgment is rendered for the amount of the judgment and costs to the sheriff of any county in the state where a party to the judgment resides or has property subject to the execution.

(3) The judge, in case of default in the payment, when due, of any installment or any part of the installment or in the condition of the bond, may adjudge the reputed father guilty of contempt of court as provided in sections 31 to 39 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.631 to 552.639. The commitment of the reputed father under sections 31 to 39 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.631 to 552.639, does not operate to stay or defeat the obtaining of judgment and the collection of the judgment by execution. The rendition and the enforcement of decree or judgment does not bar or hinder the taking of similar proceedings for subsequent defaults.

(4) In order to make effective the purpose and intention of the bonds required under subsection (1), the court may appoint a receiver of the real and personal property belonging to the judgment debtors with powers not exceeding those customarily exercised by receivers.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1982, Act 296, Eff. July 1, 1983;—Am. 1996, Act 18, Eff. June 1, 1996;—Am.

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1998, Act 113, Eff. Aug. 10, 1998.

722.720 Continuing jurisdiction; purposes.

Sec. 10. The court has continuing jurisdiction over proceedings brought under this act to do any of the following:

(a) Increase or decrease the amount fixed by the order of filiation subject to section 7.

(b) Provide for, change, and enforce provisions of the order of filiation relating to the custody or support of or parenting time with the child.

(c) Determine an action to set aside the order of filiation under the revocation of paternity act.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1986, Act 107, Eff. June 1, 1986;—Am. 1990, Act 244, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 294, Imd. Eff. Dec. 14, 1990;—Am. 1994, Act 388, Imd. Eff. Dec. 29, 1994;—Am. 1996, Act 18, Eff. June 1, 1996;—Am. 2001, Act 109, Eff. Sept. 30, 2001;—Am. 2012, Act 162, Imd. Eff. June 12, 2012.

722.720a Repealed. 1982, Act 296, Eff. July 1, 1983.

Compiler's note: The repealed section pertained to review of orders of filiation.

722.721 Mother's support and education of child born out of wedlock; bond; default; liability of father.

Sec. 11. (1) If a mother of a child born out of wedlock possesses property and fails to support and educate her child, the court having jurisdiction, on application of the child's guardian or next friend, or the family independence agency if the child is being supported in whole or in part by public assistance, may investigate the matter and, after a hearing and subject to section 7, may make an order charging the mother with the payment of money weekly or otherwise for the child's support and education.

(2) The court may require the mother to give security, by bond, with sufficient sureties approved by the court for the payment as directed by the order. In case of default under the bond, the bond shall be enforced in the manner provided in section 9.

(3) This section does not relieve the father from liability for the child's support and education in accordance with this act.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1972, Act 98, Eff. Mar. 30, 1973;—Am. 1990, Act 244, Imd. Eff. Oct. 10, 1990;—Am. 2001, Act 109, Eff. Sept. 30, 2001.

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722.722 False complaint; penalty.

Sec. 12. Any person making a false complaint under this act as to identity of the father, or the aiding or abetting therein, shall be guilty of a misdemeanor. This section shall not apply to an authorized official of the department of social services who in good faith filed a complaint under this act based upon information and belief.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1972, Act 98, Eff. Mar. 30, 1973.

722.723 Repealed. 1982, Act 296, Eff. July 1, 1983.

Compiler's note: The repealed section pertained to civil jurisdiction.

722.724 Appeal; stay of execution, bond, security for costs.

Sec. 14. An appeal in all cases may be taken by either the complainant or the defendant, a guardian ad litem appointed by the court for the child, the mother or her personal representative, from any final order or judgment of any court having jurisdiction of filiation proceedings.

No appeal, however, shall operate as a stay of execution unless the defendant gives the security provided in section 9 of this act and further security to pay the costs of such appeal.

History: 1956, Act 205, Eff. Aug. 11, 1956.

722.725 Reference to mother as parent of child in records, certificates, or other papers.

Sec. 15. In a record, certificate, or other paper made or executed requiring a declaration by or notice to the mother of a child born out of wedlock or otherwise requiring a reference to the relation of a mother to such a child, it shall be sufficient to refer to the mother as the parent of the child. An explicit reference shall not be made to illegitimacy.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1980, Act 20, Imd. Eff. Mar. 7, 1980.

722.726 Application of act.

Sec. 16. This act applies to all cases arising out of birth out of wedlock commenced after this act takes effect, and such cases shall not thereafter be commenced under chapter 42 of the Revised Statutes of 1846, as

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amended, being sections 722.601 to 722.612, inclusive, of the Compiled Laws of 1948, which shall, however, apply to and govern all cases commenced thereunder prior to the time this act takes effect.

History: 1956, Act 205, Eff. Aug. 11, 1956.

722.727 Fees; assessment in order of filiation.

Sec. 17. No fees for commencement of suit, filing fee, decree or judgment fee, or stenographer fee shall be required in proceedings under this act, but the court may assess such fees against the father in the order of filiation.

History: 1956, Act 205, Eff. Aug. 11, 1956.

722.728 Enforcement remedies.

Sec. 18. In addition to the methods provided under this act for the enforcement of any court order or judgment, whether interlocutory or final, any such order, decree or judgment may be also enforced under the provisions of Act No. 8 of the Public Acts of 1952, as amended, being sections 780.151 to 780.173, inclusive, of the Compiled Laws of 1948.

History: 1956, Act 205, Eff. Aug. 11, 1956.

722.729 Repealed. 2009, Act 235, Imd. Eff. Jan. 8, 2010

Compiler's note: The repealed section pertained to reimbursement of county for cost of enforcing support or parenting time orders.

722.729a Centralized receipt and disbursement of support and fees.

Sec. 19a. The SDU is responsible for the centralized receipt and disbursement of support. An office of the friend of the court may continue to receive support and fees.

History: Add. 1999, Act 157, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 235, Imd. Eff. Jan. 8, 2010.

722.730 Paternity act; short title.

Sec. 20. This act shall be known and may be cited as “The paternity act”.

History: 1956, Act 205, Eff. Aug. 11, 1956.

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