SUMMARY SUPPORT AND PATERNITY ACT
Act 366 of 2014

AN ACT to create the summary support and paternity act; to establish a procedure for determining paternity and support; and to prescribe the duties and responsibilities of certain state departments and agencies.

History: 2014, Act 366, Eff. Mar. 17, 2015.

The People of the State of Michigan enact:

722.1491 Short title.

Sec. 1. This act shall be known and may be cited as the "summary support and paternity act".

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1492 Definitions.

Sec. 2. As used in this act:

(a) "Alleged father" means a man who is alleged to have fathered the child who is the subject of an action to establish the father's paternity under this act.

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

(c) "Child custody act of 1970" means the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(d) "Court" means the circuit court.

(e) "Department" means the department of human services.

(f) "Friend of the court act" means the friend of the court act, 1982 PA 294, MCL 552.501 to 552.535.

(g) "Party" means a child's mother or a child's alleged or legally established father under this act.

(h) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(i) "Support" means that term as defined in section 2a of the friend of the court act, MCL 552.502a.

(j) "Support and parenting time enforcement act" means the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(k) "Support formula" means the support formula developed by the state friend of the court bureau under section 19 of the friend of the court act, MCL 552.519.

(*l*) "Title IV-D" and "title IV-D agency" mean those terms as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1493 Use of act by title IV-D agency.

Sec. 3. Only a title IV-D agency shall use the provisions of this act to establish paternity and support.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1494 Determination of father of child born out of wedlock.

Sec. 4. A man is the father of a child born out of wedlock if the man has been determined to be the child's father under section 5, other law of this state, or the law of another state.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1495 Filing of statement and notice by title IV-D agency.

Sec. 5. (1) If the paternity of a child born out of wedlock has not otherwise been established and the child is either supported in whole or in part by public assistance or if either party has signed an application for services under title IV-D, the department may request a title IV-D agency to file a statement with the court in the county in which the mother, the child, or the alleged father lives. The statement shall be in a form approved by the state court administrative office under the supervision and direction of the supreme court. The statement shall include the names of the parties, the date of the child's birth, and the time and place as near as possible of the child's conception. If the mother or alleged father signs the statement, the statement must be verified as required by supreme court rules. A statement filed by the title IV-D agency on behalf of the mother, child, or alleged father does not have to be verified. The person on whose behalf the statement is filed is the filing party under this act.

(2) The title IV-D agency filing the statement in subsection (1) shall serve a copy of the statement and a notice of intent to establish paternity on the parties. The notice shall be in a form established by the state court

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administrative office under the supervision and direction of the supreme court and shall include all of the following information:

(a) That the man has been named as the child's father.

(b) That the nonfiling party must respond to the title IV-D agency within 21 days by doing 1 of the following:

(*i*) Admitting paternity in writing.

(*ii*) Submitting a written request for genetic testing.

(*iii*) Producing proof that the alleged father has been excluded as the father under the laws of this or another state.

(c) That, if a party requests genetic testing, the mother, child, and alleged father must submit to genetic testing at the date, time, and place determined by the title IV-D agency.

(d) That, if neither party requests genetic testing within 21 days or produces proof that the alleged father has been excluded as the father under the laws of this or another state, the alleged father is established as the child's legal father.

(3) Upon filing of the statement and notice with the court and subject to service under subsection (4), the court may do 1 or more of the following:

(a) Establish a child's paternity.

(b) Issue a support order under this act.

(c) Establish a child's custody or parenting time under the child custody act of 1970.

(d) Grant any other relief available under the child custody act of 1970, the friend of the court act, or the support and parenting time enforcement act.

(4) The statement and notice under subsection (2) may be sent by regular mail, but if the nonfiling party does not respond in writing admitting paternity or requesting genetic testing, the statement and notice shall be served in the same manner as provided by court rules for the service of process in civil matters.

(5) Unless the court enters an order declaring that the alleged father is not the child's father, both parents must provide information as requested by the title IV-D agency sufficient to allow the title IV-D agency to calculate support under the support formula.

(6) If the court enters an order under this act and there is no dispute regarding custody, the court shall include in the order specific provisions for the custody and parenting time of the child as provided in the child custody act of 1970. 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, MCL 552.505. In a dispute regarding custody or parenting time, the title IV-D agency or its successor as provided in section 11(2) is not required to represent either party regarding that dispute.

History: 2014, Act 366, Eff. Mar. 17, 2015.

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722.1496 Genetic testing.

Sec. 6. (1) If a party requests genetic testing in a timely manner under section 5, the title IV-D agency shall notify the parties of the date, time, and place for the collection of the genetic sample for genetic testing of the mother, alleged father, and child. The date for taking the genetic samples for testing shall be not later than 60 days after the request for genetic testing.

(2) Genetic testing under this section shall be conducted by a person accredited for paternity determinations by a nationally recognized scientific organization and approved by the department.

(3) Within 28 days of receiving genetic test results, the title IV-D agency shall notify the parties and the court of the test results. The title IV-D agency shall submit a proposed order to the court. The court shall enter the order if the court is satisfied that the procedures established in this act have been followed. The proposed order shall do either of the following:

(a) If the genetic testing concludes a probability of paternity of 99% or higher, declare the alleged father as the child's father and may order the payment of support and the repayment of the cost of the genetic test to the state.

(b) If the genetic testing excludes the alleged father as the child's father, declare that the alleged father is not the child's father.

(4) If the nonfiling party requests genetic testing and the alleged father is not excluded as the child's father, the court may order the nonfiling party to repay the cost of the genetic test to the state in an order entered under this section.

(5) If the nonfiling party provides proof that the alleged father has been excluded as the child's father in a separate action under the laws of this state or another state, the proof submitted in support of the exclusion

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shall be filed with the court. The court shall provide notice and an opportunity for the parties to be heard and shall do either of the following:

(a) If the court finds that the alleged father has been excluded as the child's father under the laws of this state or another state, dismiss the action filed under this act.

(b) If the court finds that the alleged father has not been excluded as the child's father under the laws of this state or another state, order the parties and the child to have genetic testing as set forth in this act.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1497 Order declaring alleged father to be child's father; failure to submit to genetic testing; contempt; actions by court.

Sec. 7. (1) Except as provided in subsection (2), if neither party to whom notice is given under section 5 requests genetic testing, or if the alleged father admits paternity, the title IV-D agency shall submit a proposed order to the court that establishes the alleged father to be the child's father and orders the payment of support. If the court is satisfied that the procedures in this act have been followed, the court shall enter the order.

(2) If the action is being filed on behalf of the alleged father and the child's mother does not admit the alleged father's paternity, the court shall not enter an order under this act declaring the alleged father to be the child's father unless genetic testing determines that the alleged father has a probability of paternity of 99% or higher.

(3) If a party who has participated in the proceeding or who has been served with the statement and notice as provided in section 5 fails to submit to genetic testing, and the court is made aware of that fact by affidavit or otherwise, the court may find the party in contempt, issue a warrant for the party's arrest to compel the party to appear for genetic testing, order other actions as the court considers appropriate to compel the party to appear for genetic testing, and order the person to pay the costs of the proceeding. The court may order the child's mother to produce the child and to submit to genetic testing. A court may dismiss the proceeding if the filing party fails to appear or produce the child for genetic testing, but the dismissal does not bar future action to establish the child's paternity.

History: 2014, Act 366, Eff. Mar. 17, 2015.

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722.1498 Duty to pay child support; liability for medical expenses.

Sec. 8. (1) The child's mother and father have a duty to pay support for the child, which duty may be enforced by either party, the child, the child's guardian, the child's foster parent, or the state through the title IV-D agency.

(2) The parents of a child born out of wedlock are also liable for the medical expenses connected to the mother's pregnancy and the child's birth to the same extent and in the same manner as those expenses are allowed under the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1499 Provisions applicable to established paternity but no action filed.

Sec. 9. (1) If the paternity of a child has been established and no action has been filed in a court of this state in which the support of the child can be determined, the provisions of this section apply.

(2) If support has not been established for a child who is being supported in whole or in part by public assistance or if an application for title IV-D services has been received by the title IV-D agency, the department may request a title IV-D agency to file with the court in the county in which the mother, the child, or the father lives a statement of support obligation on a form established by the state court administrative office under the supervision and direction of the supreme court stating facts that include the following:

(a) That the child's mother or father has been determined to be the parent of the child under the law of this state or another state.

(b) That support is being sought and that the child is not living full-time with the individual from whom support is being sought.

(c) That the individual against whom the duty of support is being enforced has 21 days to contest the notice by requesting a hearing for either of the following reasons:

(*i*) The individual against whom the duty of support is being enforced is not the individual named as the child's parent.

(*ii*) The facts in the notice are not correct.

(3) Upon filing of the notice with the court and subject to service under subsection (4), the court may do 1 or more of the following:

(a) Establish a child's paternity.

(b) Issue a support order under this act.

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(c) Establish a child's custody or parenting time under the child custody act of 1970.

(d) Grant any other relief available under the child custody act of 1970, the friend of the court act, or the support and parenting time enforcement act.

(4) After the notice is filed under subsection (2), the title IV-D agency shall send a copy of the notice to the individual against whom the title IV-D agency seeks to enforce a duty of support. The notice may be sent by regular mail, but if the individual does not respond in writing, the notice shall be served in the same manner as is provided by court rules for the service of process in civil actions.

(5) After the notice is filed under subsection (2), or concurrently with the filing, the individual against whom the duty of support is being enforced may, within 21 days after the filing, agree in writing on a form established by the state court administrative office under the supervision and direction of the supreme court to support as established by the support formula. The custodial parent or party may also sign this agreement. The title IV-D agency shall file the agreement with the court that has jurisdiction under subsection (2).

(6) If the individual does not respond to the notice within 21 days after service, the title IV-D agency shall submit a proposed order to the court establishing the individual's duty to pay support. The court shall enter the order if the court is satisfied that the procedures established in this act have been followed.

(7) If the individual against whom a duty of support is being enforced proves to the court that the facts in the form are not correct, the court shall enter an order that is appropriate, including, but not limited to, dismissing the proceeding or ordering genetic testing. The court may not enter an order under this act that does not recognize an individual's paternity established under another law of this state or another state.

(8) If the court enters an order under this act and there is no dispute regarding custody, the court shall include in the order specific provisions for the custody and parenting time of the child as provided in the child custody act of 1970. 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, MCL 552.505. In a dispute regarding custody or parenting time, the title IV-D agency or its successor as provided in section 11(2) is not required to represent either party regarding that dispute.

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722.1500 Establishment of support obligation.

Sec. 10. (1) The title IV-D agency shall use the procedures set forth in section 17b of the friend of the court act, MCL 552.517b, to establish the support obligation of a parent who is ordered to pay support under this act even if the title IV-D agency using the procedures is not the friend of the court. The procedures described in this section may be used at the same time as the procedures provided in sections 1 to 8.

(2) A person who is subject to this act must provide information requested by the title IV-D agency to establish the person's support obligation.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1501 Support and paternity establishment services.

Sec. 11. (1) Subject to subsection (2), the title IV-D agency providing support and paternity establishment services in a county on the effective date of this act shall provide the support and paternity establishment services under this act.

(2) A county, with the consent of the office of child support, may agree that another agency within the county, an attorney employed or contracted by the county under section 1 of 1941 PA 15, MCL 49.71, or an attorney employed or under contract with the department may provide the services under this act. An agreement to remove the services from an agency that is providing support and paternity establishment services on the effective date of this act also requires the consent of that agency. If a judicial branch agency is not providing support and establishment services within the county on the effective date of this act, an agreement to require a judicial branch agency to provide the services under this act also requires the consent of the chief judge of the court. If the prosecuting attorney is not providing support and establishment services within the county on the effective date of this act, an agreement to require the prosecuting attorney to provide the services under this act also requires the consent of the prosecutor.

(3) Counties, with the consent of all interested agencies, may enter into agreements to provide services regionally under this act provided that the services are made available in each county at least monthly.

(4) This act does not restrict the title IV-D agency from carrying out the provisions of this act in any manner that uses technology, assent, consolidation of services, or coordination of services with other agencies. The title IV-D agency with the consent of the department and the state court administrative office under the supervision and direction of the supreme court may carry out the provisions of this act in any

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manner that is not inconsistent with this act to improve efficiency and encourage cooperation between the parents, agencies, and units of government that are affected by this act, including, but not limited to, the following:

(a) Notices and other documents required to be sent or served under this act may be combined.

(b) Service and mailing of notices may be completed using any technology or method permitted by court rule.

(c) Consent agreements and waivers may be substituted for notices.

(d) Information or other data may be transmitted or downloaded using any technology that can serve the same purpose as physical files.

(e) One agency may transmit or download information or other data on behalf of another agency.

(5) A support order entered under this section is enforceable as provided in the support and parenting time enforcement act. If this act contains a specific provision regarding the contents or enforcement of a child support order that conflicts with a provision in the support and parenting time enforcement act, this act controls in regard to that provision.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1502 Motion to set aside order.

Sec. 12. In a proceeding under this act, a party may file a motion to set aside the order entered under section 6(3) or contesting a child's paternity as provided in the revocation of paternity act, 2012 PA 159, MCL 722.1431 to 722.1445.

History: 2014, Act 366, Eff. Mar. 17, 2015.

722.1503 Fees.

Sec. 13. No filing, order, or court reporter's fees are required for an action or proceeding under this act, but the court may assess any costs, service costs, and attorney fees against the nonfiling party in an order under this act.

History: 2014, Act 366, Eff. Mar. 17, 2015.

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