

SUMMARY SUPPORT AND PATERNITY ACT (EXCERPT)
Act 366 of 2014

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 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.