

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

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.

(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.

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