

THE PATERNITY ACT (EXCERPT)

Act 205 of 1956

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 must 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 as provided in this act. The Michigan court rules for civil actions apply to all proceedings under this act. A complaint must be filed in the county where the mother or child resides. If both the mother and child reside outside of this state, the complaint must 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 against the putative father.

(2) An action to determine paternity must not be brought under this act if the child's father or other parent acknowledges parentage under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013, or if the child's parentage 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 must be in the form the court determines and must 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 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 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, the prosecuting attorney must 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, must be used as a guideline in petitioning for child support. A complaint filed under this act must be verified by oath or affirmation.

(5) The prosecuting attorney and the department 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.

(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 must 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 is the plaintiff, the required facts must be stated upon information and belief.

(8) Upon the filing of a complaint, the court must 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, the department 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), the department 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 the minor 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 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 must be made a party plaintiff and notified of the hearing on the complaint by summons. The complaint made by the department must be verified by the director of the department, or the director's designated representative, or by the director of the county department 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.

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;—Am. 2024, Act 28, Eff. Apr. 2, 2025.