

# SENATE BILL No. 523

September 27, 1991, Introduced by Senator EHLERS and referred to the Committee on Finance.

A bill to amend section 7 of Act No. 205 of the Public Acts of 1956, entitled

"The paternity act,"

as amended by Act No. 294 of the Public Acts of 1990, being section 722.717 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 205 of the Public Acts of  
2 1956, as amended by Act No. 294 of the Public Acts of 1990, being  
3 section 722.717 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 7. (1) ~~If the finding of the court or verdict is~~  
6 ~~against the defendant father, if the defendant father acknowl-~~  
7 ~~edges paternity either orally to the court or by the filing with~~  
8 ~~the court a written acknowledgment of paternity, or if he is~~  
9 ~~served with summons and a default is entered against him, the~~

1 THE court shall enter an order of filiation declaring paternity  
2 and providing for the support of the child — UNDER ANY OF THE  
3 FOLLOWING CIRCUMSTANCES:

4 (A) THE FINDING OF THE COURT OR THE VERDICT IS AGAINST THE  
5 DEFENDANT FATHER.

6 (B) THE DEFENDANT FATHER ACKNOWLEDGES PATERNITY EITHER  
7 ORALLY TO THE COURT OR BY FILING WITH THE COURT A WRITTEN  
8 ACKNOWLEDGMENT OF PATERNITY.

9 (C) THE DEFENDANT FATHER IS SERVED WITH SUMMONS AND A  
10 DEFAULT JUDGMENT IS ENTERED AGAINST HIM.

11 (2) ~~The~~ AN order of filiation ENTERED UNDER SUBSECTION (1)  
12 shall specify the sum to be paid weekly or otherwise, until the  
13 child reaches the age of 18. Subject to section 7a, the court  
14 may also order support for a child after he or she reaches 18  
15 years of age. In addition to providing for the support of the  
16 child, the order shall also provide for the payment of the neces-  
17 sary expenses incurred by or for the mother in connection with  
18 her confinement, for the funeral expenses if the child has died,  
19 for the support of the child prior to the ~~making~~ ENTRY of the  
20 order of filiation, and ~~such~~ THE expenses in connection with  
21 the pregnancy of the mother or of the proceedings as the court  
22 considers proper. However, if proceedings under this act are  
23 commenced after the lapse of more than 6 years from the birth of  
24 the child, an amount shall not be awarded for expenses or support  
25 that accrued before the date on which the complaint was filed  
26 unless any of the following circumstances exists:

1 (a) Paternity has been acknowledged by the father in writing  
2 in accordance with statutory provisions.

3 (b) ~~A payment was~~ ONE OR MORE PAYMENTS WERE made for sup-  
4 port of the child during the 6-year period ~~—~~ and proceedings  
5 are commenced within 6 years from the ~~last of any such payments~~  
6 DATE OF THE MOST RECENT PAYMENT.

7 (c) The defendant was out of the state, was avoiding service  
8 of process, or threatened or coerced the complainant not to file  
9 a proceeding under this act during the 6-year period. The court  
10 may award an amount for expenses or support that accrued before  
11 the date the complaint was filed if the complaint was filed  
12 within a period of time equal to the sum of 6 years and the time  
13 ~~which~~ THAT the defendant was out of state, was avoiding service  
14 of process, or threatened or coerced the complainant not to file  
15 a proceeding under this act.

16 (3) Except as otherwise provided in this section, the court  
17 shall order support in an amount determined by application of the  
18 child support formula developed by the state friend of the court  
19 bureau. The court may enter an order that deviates from the for-  
20 mula if the court determines from the facts of the case that  
21 application of the child support formula would be unjust or inap-  
22 propriate and sets forth in writing or on the record all of the  
23 following:

24 (a) The support amount determined by application of the  
25 child support formula.

26 (b) How the support order deviates from the child support  
27 formula.

1 (c) The value of property or other support awarded ~~in lieu~~  
2 ~~INSTEAD~~ of the payment of child support, if applicable.

3 (d) The reasons why application of the child support formula  
4 would be unjust or inappropriate in the case.

5 (4) Subsection (3) does not prohibit the court from entering  
6 a support order that is agreed to by the parties and that devi-  
7 ates from the child support formula, if the requirements of sub-  
8 section (3) are met.

9 (5) Beginning January 1, 1991, each support order entered by  
10 the court shall provide that each party ~~shall~~ keep the office  
11 of the friend of the court informed of both of the following:

12 (a) The name and address of his or her current source of  
13 income. As used in this subdivision, "source of income" means  
14 that term as defined in section 2 of the support and visitation  
15 enforcement act, Act No. 295 of the Public Acts of 1982, being  
16 section 552.602 of the Michigan Compiled Laws.

17 (b) Any health care coverage that is available to him or her  
18 as a benefit of employment or that is maintained by him or her;  
19 the name of the insurance company, health care organization, or  
20 health maintenance organization; the policy, certificate, or con-  
21 tract number; and the names and birth dates of the persons for  
22 whose benefit he or she maintains health care coverage under the  
23 policy, certificate, or contract.

24 (6) For the purposes of this act, "support" may include pay-  
25 ment of ~~the expenses of~~ medical, dental, and other health care  
26 EXPENSES, child care expenses, and educational expenses. The  
27 court shall require that 1 or both parents ~~shall~~ obtain or

1 maintain any health care coverage that is available to them at a  
2 reasonable cost, as a benefit of employment, for the benefit of a  
3 child who is the subject of an order of filiation under this  
4 section. If a parent is self-employed and maintains health care  
5 coverage, the court shall require the parent to obtain or main-  
6 tain dependent coverage for the benefit of the child, if avail-  
7 able at a reasonable cost.

8 (7) A judgment or order entered under this act providing for  
9 the support of a child or payment of expenses in connection with  
10 the mother's confinement or pregnancy ~~shall be~~ IS enforceable  
11 as provided in the support and visitation enforcement act, Act  
12 No. 295 of the Public Acts of 1982, being sections 552.601 to  
13 552.650 of the Michigan Compiled Laws.

14 (8) Upon entry of an order of filiation, the clerk of the  
15 court shall ~~transmit to the director of public health on a form~~  
16 ~~prescribed by the director a written notification of the order,~~  
17 ~~together with such other facts as may assist in identifying the~~  
18 ~~birth record of the person whose paternity was in issue. If the~~  
19 ~~order is abrogated by a later judgment or order of the same or a~~  
20 ~~higher court, that fact shall be immediately communicated in~~  
21 ~~writing to the director of public health on a form prescribed by~~  
22 ~~the director by the clerk of the court which entered the order.~~

23 COLLECT A FILING FEE OF \$35.00. THE CLERK SHALL RETAIN \$9.00 OF  
24 THE FEE AND REMIT THE \$26.00 BALANCE, ALONG WITH A WRITTEN REPORT  
25 OF THE ORDER OF FILIATION, TO THE DIRECTOR OF PUBLIC HEALTH. THE  
26 REPORT SHALL BE ON A FORM PRESCRIBED BY OR IN A MANNER APPROVED  
27 BY THE DIRECTOR OF PUBLIC HEALTH.

1           (9) IF AN ORDER OF FILIATION IS ABROGATED BY A LATER  
2 JUDGMENT OR ORDER OF A COURT, THE CLERK OF THE COURT THAT ENTERED  
3 THE ORDER SHALL IMMEDIATELY COMMUNICATE THAT FACT TO THE DIRECTOR  
4 OF PUBLIC HEALTH ON A FORM PRESCRIBED BY THE DIRECTOR OF PUBLIC  
5 HEALTH.