



HOUSE BILL No. 4916

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July 1, 1993, Introduced by Reps. Clack, Curtis and Harder and referred to the Committee on Judiciary.

A bill to amend sections 7 and 10 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 sections 722.717 and 722.720 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7 and 10 of Act No. 205 of the Public
2 Acts of 1956, as amended by Act No. 294 of the Public Acts of
3 1990, being sections 722.717 and 722.720 of the Michigan Compiled
4 Laws, are amended to read 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
8 with the court a written acknowledgment of paternity, or if he is
9 served with summons and a default is entered against him, the

1 court shall enter an order of filiation declaring paternity and
2 providing for the CUSTODY AND support of the child.

3 (2) The order of filiation shall specify the sum to be paid
4 weekly or otherwise, until the child reaches the age of 18.
5 Subject to section 7a, the court may also order support for a
6 child after he or she reaches 18 years of age. In addition to
7 providing for the support of the child, the order shall also pro-
8 vide for the payment of the necessary expenses incurred by or for
9 the mother in connection with her confinement, for the funeral
10 expenses if the child has died, for the support of the child
11 prior to the making of the order of filiation, and ~~such~~
12 expenses in connection with the pregnancy of the mother or of the
13 proceedings ~~as~~ THAT the court considers proper. However, if
14 proceedings under this act are commenced after the lapse of more
15 than 6 years from the birth of the child, an amount shall not be
16 awarded for expenses or support that accrued before the date on
17 which the complaint was filed unless any of the following circum-
18 stances exists:

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

21 (b) ~~A payment was~~ ONE OR MORE PAYMENTS WERE made for sup-
22 port of the child during the 6-year period, and proceedings are
23 commenced within 6 years ~~from the last of any such payments~~
24 AFTER THE LAST SUCH PAYMENT.

25 (c) The defendant was out of the state, was avoiding service
26 of process, or threatened or coerced the complainant not to file
27 a proceeding under this act during the 6-year period. The court

1 may award an amount for expenses or support that accrued before
2 the date the complaint was filed if the complaint was filed
3 within a period of time equal to the sum of 6 years and the time
4 ~~which~~ THAT the defendant was out of state, was avoiding service
5 of process, or threatened or coerced the complainant not to file
6 a proceeding under this act.

7 (3) Except as otherwise provided in this section, the court
8 shall order support in an amount determined by application of the
9 child support formula developed by the state friend of the court
10 bureau. The court may enter an order that deviates from the for-
11 mula if the court determines from the facts of the case that
12 application of the child support formula would be unjust or inap-
13 propriate and sets forth in writing or on the record all of the
14 following:

15 (a) The support amount determined by application of the
16 child support formula.

17 (b) How the support order deviates from the child support
18 formula.

19 (c) The value of property or other support awarded in lieu
20 of the payment of child support, if applicable.

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

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

1 (5) IN AN ORDER OF FILIATION AND SUPPORT ENTERED OR MODIFIED
2 UNDER THIS ACT, THE COURT SHALL PROVIDE FOR THE CUSTODY AND
3 VISITATION OF THE CHILD AS PROVIDED IN SECTION 7 OF THE CHILD
4 CUSTODY ACT OF 1970, ACT NO. 91 OF THE PUBLIC ACTS OF 1970, BEING
5 SECTION 722.27 OF THE MICHIGAN COMPILED LAWS. THE COURT SHALL
6 REFER A DISPUTE REGARDING CUSTODY OR VISITATION TO THE FRIEND OF
7 THE COURT FOR A REPORT AND RECOMMENDATION AS PROVIDED IN
8 SECTION 5 OF THE FRIEND OF THE COURT ACT, ACT NO. 294 OF THE
9 PUBLIC ACTS OF 1982, BEING SECTION 552.505 OF THE MICHIGAN
10 COMPILED LAWS.

11 (6) ~~(5)~~ Beginning January 1, 1991, each support order
12 entered by the court shall provide that each party shall keep the
13 office of the friend of the court informed of both of the
14 following:

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

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

1 (7) ~~-(6)-~~ For the purposes of this act, "support" may
2 include payment of the expenses of medical, dental, and other
3 health care, child care expenses, and educational expenses. The
4 court shall require that 1 or both parents shall obtain or main-
5 tain any health care coverage that is available to them at a rea-
6 sonable cost, as a benefit of employment, for the benefit of a
7 child who is the subject of an order of filiation under this
8 section. If a parent is self-employed and maintains health care
9 coverage, the court shall require the parent to obtain or main-
10 tain dependent coverage for the benefit of the child, if avail-
11 able at a reasonable cost.

12 (8) ~~-(7)-~~ A judgment or order entered under this act provid-
13 ing for the support of a child or payment of expenses in connec-
14 tion with the mother's confinement or pregnancy ~~shall be~~ IS
15 enforceable as provided in the support and visitation enforcement
16 act, Act No. 295 of the Public Acts of 1982, being sections
17 552.601 to 552.650 of the Michigan Compiled Laws.

18 (9) ~~-(8)-~~ Upon entry of an order of filiation, the clerk of
19 the court shall transmit to the director of public health on a
20 form prescribed by the director a written notification of the
21 order, together with ~~such~~ other facts ~~as~~ THAT may assist in
22 identifying the birth record of the person whose paternity was in
23 issue. If the order is abrogated by a later judgment or order of
24 the same or a higher court, that fact shall be immediately commu-
25 nicated in writing to the director of public health on a form
26 prescribed by the director by the clerk of the court ~~which~~ THAT
27 entered the order.

1 Sec. 10. (1) Until the judgment of the court has been
2 completely satisfied, the court ~~shall have~~ HAS continuing
3 jurisdiction over proceedings brought under this act to increase
4 or decrease the amount fixed by the order of filiation subject to
5 section 7(3) or (4), to provide for reasonable visitation, and to
6 PROVIDE FOR OR change the custody of the child.

7 (2) Beginning January 1, 1991, each support order modified
8 by the court shall provide that each party shall keep the office
9 of the friend of the court informed of both of the following:

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

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