



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4775 (as passed by the House)
Sponsor: Representative James Koetje
House Committee: Judiciary
Senate Committee: Families and Human Services

Date Completed: 2-10-04

CONTENT

The bill would amend the Paternity Act to provide that a child support obligation would be retroactive only to the date that a paternity complaint was filed, except under certain conditions.

Under the Act, when a mother files a paternity complaint against her child's father, the court must enter an order of filiation that declares the father's paternity and provides for the support of the child, if the court determines that the man is the father, the defendant acknowledges paternity, or a default judgment is entered against the defendant. The order also must provide for the payment of the necessary expenses incurred by or for the mother in connection with her confinement and pregnancy, and for the funeral expenses if the child has died. The bill would retain these requirements.

The Act also requires that an order of filiation provide for the support of the child before the entry of the order. If the child support proceedings began more than six years after the child's birth, however, an amount must not be awarded for expenses or support that accrued before the complaint was filed, unless at least one of the following three conditions exists: 1) The father acknowledged paternity in writing as required by law; 2) a child support payment was made during the six-year period and child support proceedings began within six years after the date of the most recent payment; or 3) the defendant was out of State, avoiding service of process, or threatened or coerced the complainant not to file a child support proceeding during the six-year period. (In the last case, a court may award an amount for expenses or support that accrued before the date the complaint was filed, if it was filed within a period of time equal to the sum of six years and the time the defendant was out of State or avoiding service, or threatened or coerced the complainant.) The bill would delete all of these provisions.

Instead, the bill specifies that a child support obligation would be retroactive only to the date that the paternity complaint was filed, unless the defendant either was avoiding service of process, or had threatened or coerced through domestic violence or other means the complainant not to file a child support proceeding.

MCL 722.717

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have no fiscal impact on the Family Independence Agency or on the Judiciary.

Fiscal Analyst: Constance Cole
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.