

SUBSTITUTE FOR
HOUSE BILL NO. 4013

A bill to amend 1956 PA 205, entitled
"The paternity act,"
by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The parents of a child born out of wedlock are
2 liable for the necessary support and education of the child.
3 They are also liable for the child's funeral expenses. ~~The~~
4 ~~father is liable to pay the expenses of the mother's confinement,~~
5 ~~and is also liable to pay expenses in connection with her~~
6 ~~pregnancy as the court in its discretion may deem proper.~~
7 Subject to subsection (2), based on each parent's ability to pay
8 and on any other relevant factor, the court may apportion the
9 reasonable and necessary expenses of the mother's confinement and
10 expenses in connection with her pregnancy between the parents and
11 require the parent who did not pay the expense to pay his or her

1 share of the expense to the other parent. At the request of a
2 person other than a parent who has paid the expenses of the
3 mother's confinement or expenses in connection with her
4 pregnancy, the court may order a parent against whom the request
5 is made to pay to the person other than a parent the parent's
6 share of the expenses. The court's requirement to apportion
7 confinement or pregnancy expenses applies only to pregnancies
8 that occur after the effective date of the amendatory act that
9 added subsection (3).

10 (2) If medicaid has paid the confinement and pregnancy
11 expenses of a mother under this section, the court shall not
12 apportion confinement and pregnancy expenses to the mother.
13 After the effective date of the amendatory act that added this
14 subsection, based on the father's ability to pay and any other
15 relevant factor, the court may apportion not more than 100% of
16 the reasonable and necessary confinement and pregnancy costs to
17 the father. The court order shall provide that if the father
18 marries the mother after the birth of the child and provides
19 documentation of the marriage to the friend of the court, the
20 father's obligation for payment of any remaining unpaid
21 confinement and pregnancy expenses is tolled for the period of
22 time of the marriage. The remaining unpaid amount of the
23 confinement and pregnancy expenses owed by the father is tolled
24 as of the date that documentation of the marriage is provided to
25 the friend of the court.

26 (3) Each confinement and pregnancy expenses order entered by
27 the court on or before the effective date of the amendatory act

House Bill No. 4013 (H-2) as amended July 2, 2003

1 that added this subsection shall be considered by operation of
2 law to provide for the tolling of the remaining unpaid
3 confinement and pregnancy expenses if the father marries the
4 mother and shall be implemented under the same circumstances and
5 enforced in the same manner as for the tolling of confinement and
6 pregnancy expenses provided by subsection (2).

7 (4) The court shall ~~admit in proceedings under this act a~~
8 not apportion these expenses unless the party requesting the
9 apportionment offers as evidence an itemized bill for funeral
10 expenses, expenses of the mother's confinement, or expenses in
11 connection with the mother's pregnancy. ~~, which~~ An itemized
12 bill constitutes prima facie evidence of the amount of those
13 expenses, without third party foundation testimony.

14 (5) ~~-(2)-~~ If the father dies, an order of filiation or a
15 judicially approved settlement made before his death is
16 enforceable against his estate in the same manner and way as a
17 divorce decree.

18 (6) As used in this section, "medicaid" means the medical
19 assistance program administered by the state under section 105 of
20 the social welfare act, 1939 PA 280, MCL 400.105.

[Enacting section 1. This amendatory act does not take effect
unless House Bill No. 4768 of the 92nd Legislature is enacted into law.]