

HOUSE BILL NO. 6263

December 10, 2024, Introduced by Reps. Beeler and Thompson and referred to the Committee on Families, Children and Seniors.

A bill to amend 1956 PA 205, entitled
"The paternity act,"
by amending section 2 (MCL 722.712), as amended by 2009 PA 235.

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 all of the following:
- 3 (a) The medical expenses connected to the mother's pregnancy.
- 4 (b) The medical expenses connected to the birth of the child.
- 5 (c) The necessary support and education of the child.
- 6 (d) The child's funeral expenses.

1 (2) Subject to subsection (3), if ~~medicaid~~**Medicaid** has not
2 paid a medical expense described in subsection (1)(a) or (b), on
3 request from a parent, the court in an action brought under this
4 act shall do all of the following:

5 (a) If the court determines the expense to be reasonable and
6 necessary, apportion the expense between the parents based on each
7 parent's ability to pay and on any other relevant factor, in the
8 same manner as health care expenses of a child are divided under
9 the child support formula established under section 19 of the
10 friend of the court act, 1982 PA 294, MCL 552.519.

11 (b) In the court's discretion, if 1 parent has paid the
12 expense, require the parent who did not pay the expense to pay ~~his~~
13 ~~or her~~**their** share of the expense to the other parent.

14 (c) In the court's discretion, at the request of a person
15 other than a parent who has paid the expense, order a parent
16 against whom the request is made to pay to the person the parent's
17 share of the expense.

18 (d) On request from a parent, require an itemized bill for the
19 expense before making an apportionment under this subsection.

20 (3) Subject to subsection (4), if ~~medicaid~~**Medicaid** has paid a
21 medical expense described in subsection (1)(a) or (b), on request
22 from the office of child support or its designee, the court in an
23 action brought under this act shall do all of the following:

24 (a) Determine the amount of the expense that is reasonable and
25 necessary by using the actuarially based case rate established and
26 certified by the department of ~~community health~~ **and human services**
27 or the amount of the expense certified by the department of
28 ~~community health~~ **and human services**.

29 (b) Apportion the amount determined under subdivision (a) to

1 the father using the method established under section 3(o) of the
2 office of child support act, 1971 PA 174, MCL 400.233.

3 (c) Require the father to pay the amount apportioned to the
4 father under subdivision (b) to the ~~medicaid~~ **Medicaid** agency
5 through the state disbursement unit.

6 (d) Not require the mother to pay any of the expenses.

7 (4) If a pregnancy or a complication of a pregnancy has been
8 determined in another proceeding to have been the result of either
9 a physical or sexual battery by a party to the case, the court
10 shall apportion the medical expenses described in subsection (1)(a)
11 and (b) to the party who was the perpetrator of the battery.

12 (5) A court order entered under subsection (2) or (3) ~~shall~~
13 **must** provide that if the father marries the mother after the birth
14 of the child and provides a copy of the marriage license or other
15 documentation of the marriage to the friend of the court, the
16 father's obligation for payment of any unpaid medical expense
17 described in subsection (1)(a) or (b) is abated subject to
18 reinstatement after notice and hearing for good cause shown,
19 including, but not limited to, dissolution of the marriage. An
20 expense abated under this subsection is abated as of the date that
21 documentation of the marriage is provided to the friend of the
22 court.

23 (6) An order that provides for the payment of a medical
24 expense connected to a mother's pregnancy or a child's birth
25 entered by the court in an action under this act on or before
26 October 1, 2004 ~~shall~~ **must** be considered by operation of law to
27 provide for the abatement of any such medical expense that remains
28 unpaid if the father marries the mother. An abatement under this
29 subsection ~~shall~~ **must** be implemented under the same circumstances

and enforced in the same manner as an abatement of expenses under subsection (5).

(7) The court shall admit in proceedings under this act a bill for funeral expenses or for expenses connected to the mother's pregnancy or the birth of the child, or actuarially based case rates as determined by the department of ~~community~~ health **and human services**, without third party foundation testimony. A bill or case rates admitted under this subsection are prima facie evidence of the relevant funeral or medical expense.

(8) This section does not prohibit the department of ~~community~~ health **and human services** from seeking reimbursement of expenses from a party or other person, including an insurer, by a legal procedure other than an action under this act.

(9) If the father of a child born out of wedlock dies, an order of filiation or a judicially approved settlement made before his death is enforceable against his estate in the same manner and way as a divorce decree.

(10) For a child born to parents married to each other, a parent must not be required to pay child support for that child if the court determines that the parent is not the child's biological parent.

(11) ~~(10)~~ As used in this section, ~~"medicaid"~~ **"Medicaid"** means the medical assistance program administered by this state under section 105 of the social welfare act, 1939 PA 280, MCL 400.105.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

(a) Senate Bill No. _____ or House Bill No. 6262 (request no. 06344'24 a).

1 (b) Senate Bill No. ____ or House Bill No. 6260 (request no.
2 06344'24 b).