

THE PATERNITY ACT (EXCERPT)
Act 205 of 1956

***** 722.717.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

722.717.amended Order of filiation; circumstances; contents; support order; retroactivity; enforcement of judgment or order; fee; report to department director; service of copies to parties.

Sec. 7. (1) In an action under this act, the court must enter an order of filiation declaring paternity and providing for the support of the child under 1 or more of the following circumstances:

(a) The finding of the court or the verdict determines that the man is the father.

(b) The defendant acknowledges paternity either orally to the court or by filing with the court a written acknowledgment of parentage.

(c) The defendant is served with summons and a default judgment is entered against him or her.

(d) Genetic testing under section 6 determines that the man is the father.

(2) An order of filiation entered under subsection (1) must specify the sum to be paid weekly or otherwise, as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, until the child reaches the age of 18. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support for a child after the child reaches 18 years of age. In addition to providing for the support of the child, the order must also provide for the payment of the necessary expenses connected to the mother's pregnancy and the birth of the child and for the funeral expenses if the child has died, as determined by the court under section 2. A child support obligation is only retroactive to the date that the paternity complaint was filed unless any of the following circumstances exist:

(a) The defendant was avoiding service of process.

(b) The defendant threatened or coerced through domestic violence or other means the complainant not to file a proceeding under this act.

(c) The defendant otherwise delayed the imposition of a support obligation.

(3) A judgment or order entered under this act providing for the support of a child or payment of expenses connected to the mother's pregnancy or the birth of the child is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

(4) Upon entry of an order of filiation, the clerk of the court must collect a fee of \$9.00 for entering the order and the fee imposed by section 2891(9)(a) of the public health code, 1978 PA 368, MCL 333.2891, from the person against whom the order of filiation is entered. The clerk must retain the \$9.00 fee and remit the fee imposed by section 2891(9)(a) of the public health code, 1978 PA 368, MCL 333.2891, with a written report of the order of filiation, to the department director. The report must be on a form prescribed by or in a manner approved by the department director. Regardless of whether the fees required by this section are collected, the clerk must transmit and the department must receive the report of the order of filiation.

(5) If an order of filiation or acknowledgment of parentage is abrogated by a later judgment or order of a court, the clerk of the court that entered the order must immediately communicate that fact to the department director on a form prescribed by the department director. An order of filiation supersedes an acknowledgment of parentage.

(6) Within the time prescribed by court rule, the party, attorney, or agency that secures the signing of an order of filiation must serve a copy of the order on all parties to the action and file proof of service with the court clerk.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1962, Act 238, Eff. Mar. 28, 1963;—Am. 1986, Act 107, Eff. June 1, 1986;—Am. 1989, Act 277, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 244, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 294, Imd. Eff. Dec. 14, 1990;—Am. 1993, Act 146, Imd. Eff. Aug. 19, 1993;—Am. 1994, Act 388, Eff. Oct. 1, 1995;—Am. 1996, Act 18, Eff. June 1, 1996;—Am. 1996, Act 308, Eff. June 1, 1997;—Am. 2001, Act 109, Eff. Sept. 30, 2001;—Am. 2004, Act 209, Eff. Oct. 1, 2004;—Am. 2009, Act 235, Imd. Eff. Jan. 8, 2010;—Am. 2014, Act 364, Eff. Mar. 17, 2015;—Am. 2024, Act 28, Eff. (sine die).