

SENATE BILL NO. 928

June 13, 2024, Introduced by Senator ANTHONY and referred to the Committee on Appropriations.

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~~ **If 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~~ **the parent's** 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 has paid a medical~~
21 ~~expense described in subsection (1)(a) or (b), on request from the~~
22 ~~office of child support or its designee, the court in an action~~
23 ~~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 or the amount of~~
27 ~~the expense certified by the department of community health.~~

28 ~~(b) Apportion the amount determined under subdivision (a) to~~
29 ~~the father using the method established under section 3(o) of the~~

1 ~~office of child support act, 1971 PA 174, MCL 400.233.~~

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

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

6 **(3)** ~~(4)~~—If a pregnancy or a complication of a pregnancy has
 7 been determined in another proceeding to have been the result of
 8 either a physical or sexual battery by a party to the case, the
 9 court shall apportion the medical expenses described in subsection
 10 (1) (a) and (b) to the party who was the perpetrator of the battery.

11 **(4)** ~~(5)~~—A court order entered under subsection (2) ~~or (3)~~
 12 ~~shall~~**must** provide that if the father marries the mother after the
 13 birth of the child and provides a copy of the marriage license or
 14 other documentation of the marriage to the friend of the court, the
 15 father's obligation for payment of any unpaid medical expense
 16 described in subsection (1) (a) or (b) is abated subject to
 17 reinstatement after notice and hearing for good cause shown,
 18 including, but not limited to, dissolution of the marriage. An
 19 expense abated under this subsection is abated as of the date that
 20 documentation of the marriage is provided to the friend of the
 21 court.

22 **(5)** ~~(6)~~—An order that provides for the payment of a medical
 23 expense connected to a mother's pregnancy or a child's birth
 24 entered by the court in an action under this act on or before
 25 October 1, 2004 ~~shall~~**must** be considered by operation of law to
 26 provide for the abatement of any such medical expense that remains
 27 unpaid if the father marries the mother. An abatement under this
 28 subsection ~~shall~~**must** be implemented under the same circumstances
 29 and enforced in the same manner as an abatement of expenses under

1 subsection ~~(5)~~. **(4)** .

2 **(6)** ~~(7)~~—The court shall admit in proceedings under this act a
3 bill for funeral expenses or for expenses connected to the mother's
4 pregnancy or the birth of the child, or actuarially based case
5 rates as determined by the department of community health, without
6 third party foundation testimony. A bill or case rates admitted
7 under this subsection are prima facie evidence of the relevant
8 funeral or medical expense.

9 **(7)** ~~(8)~~—This section does not prohibit the department of
10 community health from seeking reimbursement of expenses from a
11 party or other person, including an insurer, by a legal procedure
12 other than an action under this act.

13 **(8)** ~~(9)~~—If the father of a child born out of wedlock dies, an
14 order of filiation or a judicially approved settlement made before
15 his death is enforceable against his estate in the same manner and
16 way as a divorce decree.

17 **(9)** ~~(10)~~—As used in this section, ~~"medicaid"~~ **"Medicaid"** means
18 the medical assistance program administered by this state under
19 section 105 of the social welfare act, 1939 PA 280, MCL 400.105.