



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 604 (Substitute S-2 as reported)
Sponsor: Senator Robert Geake
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Paternity Act to do the following:

- Redefine "child born out of wedlock" to refer to a child whom the court "determines", rather than "has determined", to be a child born or conceived during a marriage but not the issue of that marriage.
- Specify that the Michigan Rules of Court for civil actions would apply to all proceedings under the Act.
- Apply procedures under the Act to an action brought by either a mother or an alleged father.
- Provide that neither party would have to testify before entry of a default judgment in any proceeding under the Act.
- Allow the Department of Social Services to bring an action without first attempting to have the alleged father voluntarily initiate legal action to acknowledge paternity.
- Provide that either party could move for summary disposition upon the establishment of a presumption of paternity when a qualified person determined the probability to be 99% or higher.
- Require a court to enter an order establishing support if there were a custody dispute between the parties when the court made an determination of paternity.
- Repeal a section of the Paternity Act under which an agreement by a mother or child and the father concerning the child's support and education is binding upon the mother and child only when the court having jurisdiction has determined that adequate provision is reasonably secured and has approved the agreement (MCL 722.713). This section also provides that the performance of the agreement bars other remedies of the mother and child for the child's support and education.

The bill would take effect on October 1, 1996, and is tie-barred to Senate Bill 749, which would create the "Acknowledgment of Parentage Act".

MCL 722.711 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on the courts.

Date Completed: 1-29-96

Fiscal Analyst: M. Bain

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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.