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BILL ANALYSIS

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House Bill 4161 (Substitute H-2 as passed by the House)  
Sponsor: Representative John Pastor  
House Committee: Judiciary  
Senate Committee: Families and Human Services

Date Completed: 3-6-06

### **CONTENT**

**The bill would amend the Acknowledgment of Parentage Act to state that under an acknowledgment of parentage, the mother would have initial custody of the child until otherwise determined by the court. The grant of initial custody to the mother would not affect the custodial or parenting rights of either parent in court proceedings.**

The Act provides that if a child is born out of wedlock, a man is considered to be the natural father of the child if the man and the mother complete and sign an acknowledgment of parentage, and the signatures are notarized.

After a mother and father sign an acknowledgment of parentage, the mother is presumed to have custody of the minor child unless otherwise determined by the court or otherwise agreed upon by the parties in writing.

The bill provides, instead, that the mother would have initial custody of the minor child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or otherwise agreed upon by the parties in writing and acknowledged by the court.

The granting of initial custody to the mother would not, by itself, affect the rights of either parent in court proceedings to determine custody or parenting time.

Under the Act, the acknowledgment of parentage form must include written notice to the parties that the acknowledgment of parentage is a legal, public document. The bill would remove the word "public". In addition, under the bill, the acknowledgment of parentage form would have to include written notice to the parties of the provisions specified above (rather than notice that the mother has custody unless otherwise determined or agreed).

MCL 722.1006 & 722.1007

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

To the extent that the bill could result in a greater number of custody actions, it could increase local court costs. Requiring a written agreement between parties to be acknowledged by the court also could increase court costs, though the number of cases this would affect is unknown.

Fiscal Analyst: Stephanie Yu

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