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BILL



ANALYSIS

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House Bills 5328 and 5329 (as passed by the House)

Sponsor: Representative Matt Lori (H.B. 5328)

Representative Pat Somerville (H.B. 5329)

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 5-9-12

CONTENT

House Bill 5328 would amend the Acknowledgment of Parentage Act, and House Bill 5329 would amend the Paternity Act, to do the following, respectively:

- Require an individual to file a claim under the Revocation of Paternity Act (proposed by Senate Bill 557), rather than under Section 11 of the Acknowledgment of Parentage Act, in order to revoke an acknowledgment of parentage.
- Provide that a court would have continuing jurisdiction over proceedings brought under the Paternity Act to determine an action to set aside an order of filiation under the Revocation of Paternity Act.

House Bill 5328 also would repeal Section 11 of the Acknowledgment of Parentage Act, which allows a claim for revocation of an acknowledgment to be brought by the mother or the man who signed it, the child, or a prosecuting attorney; requires the action to be supported by an affidavit stating certain facts; and allows the court to order blood or genetic tests.

Both bills are tie-barred to Senate Bill 557. (As passed by the Senate, Senate Bill 557 (S-2) would enact the Revocation of Paternity Act to establish procedures for actions to determine that a presumed father was not a child's father, and for actions to set aside an acknowledgement of parentage or an order of filiation.)

MCL 722.1007 (H.B. 5328)
722.720 (H.B. 5329)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have an indeterminate, but likely minor, fiscal impact on the judiciary. Legal actions related to the Revocation of Paternity Act could result in a marginal increase in court caseload and an associated marginal increase in costs.

Fiscal Analyst: Dan O'Connor

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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.