

SENATE BILL No. 560

June 30, 2011, Introduced by Senators JONES, BIEDA, ROCCA, ROBERTSON, GLEASON and SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 2114 (MCL 700.2114), as amended by 2004 PA 314.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2114. (1) Except as provided in subsections (2), (3), and
2 (4), for purposes of intestate succession by, through, or from an
3 individual, an individual is the child of his or her natural
4 parents, regardless of their marital status. The parent and child
5 relationship may be established in any of the following manners:

6 (a) If a child is born or conceived during a marriage, both
7 spouses are presumed to be the natural parents of the child for
8 purposes of intestate succession. A child conceived by a married
9 woman with the consent of her husband following utilization of
10 assisted reproductive technology is considered as their child for
11 purposes of intestate succession. Consent of the husband is

1 presumed unless the contrary is shown by clear and convincing
2 evidence. If a man and a woman participated in a marriage ceremony
3 in apparent compliance with the law before the birth of a child,
4 even though the attempted marriage may be void, the child is
5 presumed to be their child for purposes of intestate succession.

6 (b) If a child is born out of wedlock or if a child is born or
7 conceived during a marriage but is not the issue of that marriage,
8 a man is considered to be the child's natural father for purposes
9 of intestate succession if any of the following occur:

10 (i) The man joins with the child's mother and acknowledges that
11 child as his child by completing an acknowledgment of parentage as
12 prescribed in the acknowledgment of parentage act, 1996 PA 305, MCL
13 722.1001 to 722.1013.

14 (ii) The man joins the mother in a written request for a
15 correction of certificate of birth pertaining to the child that
16 results in issuance of a substituted certificate recording the
17 child's birth.

18 (iii) The man and child have established a mutually acknowledged
19 relationship of parent and child that begins before the child
20 becomes age 18 and continues until terminated by the death of
21 either.

22 (iv) The man is determined to be the child's father and an
23 order of filiation establishing that paternity is entered as
24 provided in the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

25 (v) Regardless of the child's age or whether or not the
26 alleged father has died, the court with jurisdiction over probate
27 proceedings relating to the decedent's estate determines that the

1 man is the child's father, using the standards and procedures
2 established under the paternity act, 1956 PA 205, MCL 722.711 to
3 722.730.

4 **(vi) THE MAN IS DETERMINED TO BE THE FATHER IN AN ACTION UNDER**
5 **THE REVOCATION OF PATERNITY ACT.**

6 (c) A child who is not conceived or born during a marriage is
7 an individual born in wedlock if the child's parents marry after
8 the conception or birth of the child.

9 (2) An adopted individual is the child of his or her adoptive
10 parent or parents and not of his or her natural parents, but
11 adoption of a child by the spouse of either natural parent has no
12 effect on either the relationship between the child and that
13 natural parent or the right of the child or a descendant of the
14 child to inherit from or through the other natural parent. An
15 individual is considered to be adopted for purposes of this
16 subsection when a court of competent jurisdiction enters an
17 interlocutory decree of adoption that is not vacated or reversed.

18 (3) The permanent termination of parental rights of a minor
19 child by an order of a court of competent jurisdiction; by a
20 release for purposes of adoption given by the parent, but not a
21 guardian, to the family independence agency or a licensed child
22 placement agency, or before a probate or juvenile court; or by any
23 other process recognized by the law governing the parent-child
24 status at the time of termination, excepting termination by
25 emancipation or death, ends kinship between the parent whose rights
26 are so terminated and the child for purposes of intestate
27 succession by that parent from or through that child.

1 (4) Inheritance from or through a child by either natural
2 parent or his or her kindred is precluded unless that natural
3 parent has openly treated the child as his or hers, and has not
4 refused to support the child.

5 (5) Only the individual presumed to be the natural parent of a
6 child under subsection (1)(a) may disprove a presumption that is
7 relevant to that parent and child relationship, and this exclusive
8 right to disprove the presumption terminates on the death of the
9 presumed parent.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 557

12 of the 96th Legislature is enacted into law.