



**Senate Fiscal Agency**  
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House Bill 5583 (Substitute H-1 as passed by the House)  
Sponsor: Representative Marcia Hovey-Wright  
House Committee: Families, Children, and Seniors  
Senate Committee: Families, Seniors and Human Services

Date Completed: 10-1-14

### **CONTENT**

**The bill would amend the Revocation of Paternity Act to do the following:**

- Allow certain parties to file an action for an order to determine that the genetic father of a child was not the child's father.**
- Require the court to order genetic testing if an affidavit stating particular facts were sufficient.**
- Allow the removal of the genetic father's name from a birth certificate.**

The bill is tie-barred to House Bills 5463, 5464, and 5465, and would be effective 90 days after its enactment. House Bill 5463 would amend the Paternity Act. House Bill 5464 would enact the "Summary Support and Paternity Act". House Bill 5465 would enact the "Genetic Parentage Act".

Under House Bill 5583 (H-1), the mother, the genetic father, an alleged father, or a prosecuting attorney could file an action for an order determining that a genetic father was not a child's father. The action would have to be filed within three years after the child's birth, or within one year after the date that the genetic father was established as a child's father, whichever was later.

"Genetic father" would mean a man whose paternity has been determined solely through genetic testing under the Paternity Act, the Summary Support and Paternity Act, or the Genetic Parentage Act.

The action would have to be supported by an affidavit, signed by the person filing the action, that stated facts constituting one of the following: a) the genetic tests that established the man as a child's father were inaccurate, b) the man's genetic material was not available to the mother, or c) a man who had DNA identical to the genetic father was the child's father.

If the court found that the affidavit was sufficient, the court would have to order blood or tissue typing or DNA identification profiling. The person who filed the action would have the burden of proving, by clear and convincing evidence, that the genetic father was not the father of the child. The court could order the person filing the action to repay the costs of the genetic test to the State.

If a genetic father had been reported to the State Registrar as a child's father, the clerk of the court would have to forward a copy of the order determining that the genetic father was

not a child's father to the State Registrar. The State Registrar would have to remove the genetic father as the child's father and could amend the birth certificate.

Whether the action was brought by a complaint in an original action, or by motion in an existing action, the prosecuting attorney, an attorney appointed by the county, or an attorney appointed by the court would not be required to represent any party regarding the action.

MCL 722.1433 et al.

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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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.