

SUBSTITUTE FOR
HOUSE BILL NO. 5583

A bill to amend 2012 PA 159, entitled
"Revocation of paternity act,"
by amending sections 3 and 5 (MCL 722.1433 and 722.1435) and by
adding section 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. **AS USED IN THIS ACT:**

2 **(A)** ~~(1)~~—"Acknowledged father" means a man who has
3 affirmatively held himself out to be the child's father by
4 executing an acknowledgment of parentage under the acknowledgment
5 of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

6 **(B)** ~~(2)~~—"Affiliated father" means a man who has been
7 determined in a court to be the child's father.

8 **(C)** ~~(3)~~—"Alleged father" means a man who by his actions could
9 have fathered the child.

10 **(D) "GENETIC FATHER" MEANS A MAN WHOSE PATERNITY HAS BEEN**

1 DETERMINED SOLELY THROUGH GENETIC TESTING UNDER THE PATERNITY ACT,
2 1956 PA 205, MCL 722.711 TO 722.730, THE SUMMARY SUPPORT AND
3 PATERNITY ACT, OR THE GENETIC PARENTAGE ACT.

4 (E) ~~(4)~~—"Presumed father" means a man who is presumed to be
5 the child's father by virtue of his marriage to the child's mother
6 at the time of the child's conception or birth.

7 (F) ~~(5)~~—"Order of filiation" means a judicial order
8 establishing an affiliated father.

9 (G) ~~(6)~~—"Title IV-D case" means an action in which services
10 are provided under part D of title IV of the social security act,
11 42 USC 651 to 669b.

12 Sec. 5. (1) Section 7 governs an action to set aside an
13 acknowledgment of parentage.

14 (2) SECTION 8 GOVERNS AN ACTION TO DETERMINE THAT A GENETIC
15 FATHER IS NOT A CHILD'S FATHER.

16 (3) ~~(2)~~—Section 9 governs an action to set aside an order of
17 filiation.

18 (4) ~~(3)~~—Section 11 governs an action to determine that a
19 presumed father is not a child's father.

20 SEC. 8. (1) THE MOTHER, THE GENETIC FATHER, AN ALLEGED FATHER,
21 OR A PROSECUTING ATTORNEY MAY FILE AN ACTION FOR AN ORDER
22 DETERMINING THAT A GENETIC FATHER IS NOT A CHILD'S FATHER. AN
23 ACTION UNDER THIS SECTION SHALL BE FILED WITHIN 3 YEARS AFTER THE
24 CHILD'S BIRTH OR WITHIN 1 YEAR AFTER THE DATE THAT THE GENETIC
25 FATHER WAS ESTABLISHED AS A CHILD'S FATHER, WHICHEVER IS LATER.

26 (2) AN ACTION UNDER THIS SECTION SHALL BE SUPPORTED BY AN
27 AFFIDAVIT SIGNED BY THE PERSON FILING THE ACTION THAT STATES FACTS

1 CONSTITUTING 1 OF THE FOLLOWING:

2 (A) THE GENETIC TESTS THAT ESTABLISHED THE MAN AS A CHILD'S
3 FATHER WERE INACCURATE.

4 (B) THE MAN'S GENETIC MATERIAL WAS NOT AVAILABLE TO THE
5 CHILD'S MOTHER.

6 (C) A MAN WHO HAS DNA IDENTICAL TO THE GENETIC FATHER IS THE
7 CHILD'S FATHER.

8 (3) IF THE COURT IN AN ACTION UNDER THIS SECTION FINDS THAT AN
9 AFFIDAVIT UNDER SUBSECTION (2) IS SUFFICIENT, THE COURT SHALL ORDER
10 BLOOD OR TISSUE TYPING OR DNA IDENTIFICATION PROFILING AS REQUIRED
11 UNDER SECTION 13(5). THE PERSON FILING THE ACTION HAS THE BURDEN OF
12 PROVING, BY CLEAR AND CONVINCING EVIDENCE, THAT THE GENETIC FATHER
13 IS NOT THE FATHER OF THE CHILD. THE COURT MAY ORDER THE PERSON
14 FILING THE ACTION TO REPAY THE COST OF THE GENETIC TEST TO THE
15 STATE.

16 (4) IF A GENETIC FATHER HAS BEEN REPORTED TO THE STATE
17 REGISTRAR AS A CHILD'S FATHER, THE CLERK OF THE COURT SHALL FORWARD
18 A COPY OF AN ORDER DETERMINING THAT THE GENETIC FATHER IS NOT A
19 CHILD'S FATHER TO THE STATE REGISTRAR. THE STATE REGISTRAR SHALL
20 REMOVE THE GENETIC FATHER AS THE CHILD'S FATHER AND MAY AMEND THE
21 BIRTH CERTIFICATE AS PRESCRIBED BY THE ORDER.

22 (5) WHETHER AN ACTION FILED UNDER THIS SECTION IS BROUGHT BY A
23 COMPLAINT IN AN ORIGINAL ACTION OR BY A MOTION IN AN EXISTING
24 ACTION, THE PROSECUTING ATTORNEY, AN ATTORNEY APPOINTED BY THE
25 COUNTY, OR AN ATTORNEY APPOINTED BY THE COURT IS NOT REQUIRED TO
26 REPRESENT ANY PARTY REGARDING THE ACTION.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless all of the following bills of the 97th Legislature are
4 enacted into law:

5 (a) House Bill No. 5463.

6 (b) House Bill No. 5464.

7 (c) House Bill No. 5465.