

HOUSE BILL No. 4659

May 2, 2013, Introduced by Reps. Kosowski, Kurtz and Shirkey and referred to the
Committee on Families, Children, and Seniors.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 2892, 2892a, 2892b,
2892c, 2892d, and 2892e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2892. (1) AS USED IN THIS SECTION AND SECTIONS 2892A TO
2 2892E:

3 (A) "CHILD PLACING AGENCY" MEANS THAT TERM AS DEFINED IN
4 SECTION 1 OF 1973 PA 116, MCL 722.111.

5 (B) "REGISTRY" MEANS THE RESPONSIBLE FATHER REGISTRY CREATED
6 IN SUBSECTION (2).

7 (C) "SUPPORT ENFORCEMENT AGENCY" MEANS THAT TERM AS DEFINED IN
8 SECTION 104 OF THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA
9 310, MCL 552.1104.

10 (2) THE DEPARTMENT SHALL ADMINISTER AND MAINTAIN A REGISTRY TO
11 BE KNOWN AS THE "RESPONSIBLE FATHER REGISTRY".

1 SEC. 2892A. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)
2 OR UNLESS NOTICE IS GIVEN UNDER SUBSECTION (5), A MAN WHO DESIRES
3 TO BE NOTIFIED OF A PROCEEDING FOR ADOPTION OF A CHILD OR
4 TERMINATION OF PARENTAL RIGHTS REGARDING A CHILD WHOM HE MAY HAVE
5 FATHERED SHALL REGISTER WITH THE REGISTRY BEFORE THE CHILD'S BIRTH
6 OR NOT MORE THAN 48 HOURS AFTER THE CHILD'S BIRTH. A REGISTRANT
7 SHALL PROMPTLY NOTIFY THE REGISTRY OF ANY CHANGE IN THE INFORMATION
8 REGISTERED, INCLUDING, BUT NOT LIMITED TO, CHANGE OF ADDRESS. THE
9 DEPARTMENT SHALL INCORPORATE ALL NEW INFORMATION RECEIVED INTO ITS
10 RECORDS BUT IS NOT REQUIRED TO OBTAIN CURRENT INFORMATION FOR
11 INCORPORATION IN THE REGISTRY.

12 (2) A MAN'S PARENTAL RIGHTS ARE NOT WAIVED BY FAILING TO
13 REGISTER WITH THE REGISTRY IF A FATHER-CHILD RELATIONSHIP BETWEEN
14 THE MAN AND THE CHILD HAS BEEN ESTABLISHED ACCORDING TO THE
15 PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730, OR THE
16 ACKNOWLEDGMENT OF PARENTAGE ACT, 1996 PA 305, MCL 722.1001 TO
17 722.1013.

18 (3) FAILURE TO REGISTER WITH THE REGISTRY ACCORDING TO
19 SUBSECTION (1) WAIVES A MAN'S RIGHT TO RECEIVE THE NOTICE TO WHICH
20 HE IS OTHERWISE ENTITLED AND IS A DENIAL OF HIS INTEREST IN CUSTODY
21 OF THE CHILD, WHICH DENIAL SHALL RESULT IN THE COURT'S TERMINATION
22 OF HIS PARENTAL RIGHTS TO THE CHILD UNLESS THE MAN WAS LED TO
23 BELIEVE THROUGH THE BIRTH MOTHER'S FRAUD THAT THE PREGNANCY WAS
24 TERMINATED OR THE MOTHER MISCARRIED WHEN IN FACT THE BABY WAS BORN
25 OR THAT THE CHILD DIED WHEN IN FACT THE CHILD IS ALIVE. THE MAN
26 MUST REGISTER WITH THE REGISTRY NOT MORE THAN 48 HOURS AFTER
27 DISCOVERING THE FRAUD DESCRIBED IN THIS SUBSECTION.

1 (4) A CHILD PLACING AGENCY OR ADOPTIVE PARENT SHALL GIVE
2 NOTICE OF A PROCEEDING FOR THE ADOPTION OF A CHILD OR TERMINATION
3 OF PARENTAL RIGHTS REGARDING A CHILD TO A REGISTRANT WHO HAS
4 REGISTERED IN A TIMELY MANNER ACCORDING TO SUBSECTION (1). A MAN
5 WHO REGISTERS WITH THE REGISTRY IN A TIMELY MANNER IS ENTITLED TO
6 NOTICE OF ANY HEARING INVOLVING THE CHILD WHO IS THE SUBJECT OF THE
7 REGISTRATION TO DETERMINE THE FATHER'S IDENTITY OF THAT CHILD AND
8 ANY HEARING TO DETERMINE OR TERMINATE THE FATHER'S PARENTAL RIGHTS
9 TO THAT CHILD.

10 (5) A MAN WHO HAS ENGAGED IN SEXUAL INTERCOURSE WITH A WOMAN
11 IS CONSIDERED TO BE ON LEGAL NOTICE THAT A CHILD MAY BE CONCEIVED
12 AND THE MAN IS ENTITLED TO ALL LEGAL RIGHTS AND OBLIGATIONS AS A
13 RESULT. LACK OF KNOWLEDGE OF THE PREGNANCY DOES NOT EXCUSE FAILURE
14 TO REGISTER IN A TIMELY MANNER. IN THE EVENT THAT THE IDENTITY AND
15 WHEREABOUTS OF THE PUTATIVE FATHER OR ALLEGED FATHER ARE REASONABLY
16 ASCERTAINABLE, WRITTEN NOTICE OF THE MOTHER'S INTENDED RELEASE OR
17 CONSENT TO ADOPTION AND THE AVAILABILITY OF REGISTRATION WITH THE
18 REGISTRY SHALL BE PROVIDED BY PERSONAL SERVICE OR BY CERTIFIED
19 MAILING RETURN RECEIPT REQUEST WITH DELIVERY RESTRICTED TO THE
20 ADDRESSEE TO THE MAN'S LAST KNOWN ADDRESS. PERSONAL SERVICE OR
21 CERTIFIED MAILING MAY BE EITHER BEFORE OR AFTER THE CHILD'S BIRTH.
22 IF EXECUTED BEFORE THE CHILD'S BIRTH, THE MAN HAS NOT MORE THAN 48
23 HOURS FROM THE DATE OF THE CHILD'S BIRTH TO REGISTER. IF EXECUTED
24 AFTER THE CHILD'S BIRTH, THE MAN HAS NOT MORE THAN 48 HOURS FROM
25 THE DATE OF THE PERSONAL SERVICE OR RECEIPT OF THE CERTIFIED
26 MAILING TO REGISTER.

27 (6) THE DEPARTMENT SHALL PREPARE A FORM FOR REGISTERING WITH

1 THE REGISTRY THAT REQUIRES ALL OF THE FOLLOWING:

2 (A) THE REGISTRANT'S NAME, DATE OF BIRTH, AND SOCIAL SECURITY
3 NUMBER.

4 (B) THE REGISTRANT'S DRIVER LICENSE NUMBER AND STATE OF
5 ISSUANCE.

6 (C) THE REGISTRANT'S HOME ADDRESS, TELEPHONE NUMBER, AND
7 EMPLOYER.

8 (D) THE NAME, DATE OF BIRTH, ETHNICITY, ADDRESS, AND TELEPHONE
9 NUMBER OF THE MOTHER, IF KNOWN.

10 (E) THE STATE, CITY, AND PLACE WHERE CONCEPTION OCCURRED AND
11 THE APPROXIMATE DATE OF POSSIBLE CONCEPTION.

12 (F) THE CHILD'S PLACE AND DATE OF BIRTH, IF KNOWN.

13 (G) THE CHILD'S NAME AND GENDER, IF KNOWN.

14 (H) THE REGISTRANT'S SIGNATURE. A FORM FOR REGISTERING WITH
15 THE REGISTRY IS NOT COMPLETE UNLESS SIGNED BY THE REGISTRANT.

16 (7) THE FORM DESCRIBED IN SUBSECTION (6) SHALL ALSO INCLUDE A
17 STATEMENT REGARDING ALL OF THE FOLLOWING:

18 (A) REGISTRATION IN A TIMELY MANNER ENTITLES THE REGISTRANT TO
19 NOTICE OF A PROCEEDING FOR ADOPTION OF THE CHILD OR TERMINATION OF
20 THE REGISTRANT'S PARENTAL RIGHTS.

21 (B) REGISTRATION DOES NOT INITIATE A PROCEEDING TO ESTABLISH
22 PATERNITY.

23 (C) THE INFORMATION DISCLOSED ON THE FORM MAY BE USED AGAINST
24 THE REGISTRANT TO ESTABLISH PATERNITY.

25 (D) SERVICES TO ASSIST IN ESTABLISHING PATERNITY ARE AVAILABLE
26 TO THE REGISTRANT THROUGH THE DEPARTMENT.

27 (E) THE REGISTRANT SHOULD ALSO REGISTER IN ANOTHER STATE IF

1 CONCEPTION OR THE CHILD'S BIRTH OCCURRED IN ANOTHER STATE.

2 (F) INFORMATION ON REGISTRIES OF OTHER STATES MAY BE AVAILABLE
3 FROM THE DEPARTMENT.

4 (G) THE FORM IS SIGNED UNDER PENALTY OF PERJURY.

5 (H) PROCEDURES EXIST TO RESCIND THE REGISTRATION OF A CLAIM OF
6 PATERNITY.

7 SEC. 2892B. (1) THE DEPARTMENT IS NOT REQUIRED TO LOCATE THE
8 MOTHER OF A CHILD WHO IS THE SUBJECT OF A REGISTRATION, BUT THE
9 DEPARTMENT SHALL SEND A COPY OF THE NOTICE OF REGISTRATION TO THE
10 MOTHER IF AN ADDRESS IS PROVIDED.

11 (2) INFORMATION CONTAINED IN THE REGISTRY IS CONFIDENTIAL AND
12 MAY ONLY BE RELEASED ON REQUEST TO 1 OR MORE OF THE FOLLOWING:

13 (A) A COURT OR A PERSON DESIGNATED BY THE COURT.

14 (B) THE MOTHER OF THE CHILD WHO IS THE SUBJECT OF THE
15 REGISTRATION.

16 (C) AN AGENCY AUTHORIZED BY LAW TO RECEIVE THE INFORMATION.

17 (D) A CHILD PLACING AGENCY.

18 (E) A SUPPORT ENFORCEMENT AGENCY.

19 (F) THE CHILD'S GUARDIAN AD LITEM.

20 (G) A PARTY OR THE PARTY'S ATTORNEY OF RECORD IN AN ADOPTION
21 PROCEEDING, CUSTODY PROCEEDING, PATERNITY PROCEEDING, OR IN A
22 PROCEEDING FOR TERMINATION OF PARENTAL RIGHTS, REGARDING A CHILD
23 WHO IS THE SUBJECT OF THE REGISTRATION.

24 (H) A PUTATIVE FATHER REGISTRY IN ANOTHER STATE.

25 (3) INFORMATION CONTAINED IN THE REGISTRY IS EXEMPT FROM
26 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
27 15.231 TO 15.246.

1 (4) AN INDIVIDUAL WHO INTENTIONALLY RELEASES INFORMATION FROM
2 THE REGISTRY TO AN INDIVIDUAL OR AGENCY NOT AUTHORIZED UNDER THIS
3 SECTION TO RECEIVE THE INFORMATION IS GUILTY OF A MISDEMEANOR.

4 SEC. 2892C. (1) IF NO FATHER-CHILD RELATIONSHIP HAS BEEN
5 ESTABLISHED ACCORDING TO THE PATERNITY ACT, 1956 PA 205, MCL
6 722.711 TO 722.730, OR THE ACKNOWLEDGMENT OF PARENTAGE ACT, 1996 PA
7 305, MCL 722.1001 TO 722.1013, A PETITIONER FOR ADOPTION SHALL
8 OBTAIN FROM THE DEPARTMENT A CERTIFICATE THAT A SEARCH OF THE
9 REGISTRY WAS PERFORMED. IF THE CHILD'S CONCEPTION OR BIRTH OCCURRED
10 IN ANOTHER STATE, A PETITIONER FOR ADOPTION SHALL OBTAIN A
11 CERTIFICATE FROM THAT STATE INDICATING THAT A SEARCH OF THE
12 PUTATIVE FATHER REGISTRY WAS PERFORMED, IF THAT STATE HAS A
13 PUTATIVE FATHER REGISTRY.

14 (2) THE DEPARTMENT SHALL PROVIDE TO A REQUESTER A CERTIFICATE
15 OF SEARCH OF THE REGISTRY UPON THE REQUEST OF AN INDIVIDUAL, COURT,
16 OR AGENCY LISTED IN SECTION 2892D. THE CERTIFICATE OF SEARCH SHALL
17 BE SIGNED ON BEHALF OF THE DEPARTMENT. THE CERTIFICATE OF SEARCH
18 SHALL STATE THAT A SEARCH HAS BEEN MADE OF THE REGISTRY AND EITHER
19 A REGISTRATION CONTAINING THE INFORMATION REQUIRED TO IDENTIFY THE
20 REGISTRANT HAS BEEN FOUND AND IS ATTACHED TO THE CERTIFICATE OF
21 SEARCH OR A REGISTRATION HAS NOT BEEN FOUND. NOT LATER THAN 4
22 BUSINESS DAYS AFTER RECEIPT OF THE REQUEST, THE DEPARTMENT SHALL
23 MAIL THE CERTIFICATE OF SEARCH TO THE REQUESTOR BY UNITED STATES
24 MAIL. UPON REQUEST OF THE REQUESTOR AND PAYMENT OF ANY ADDITIONAL
25 COSTS, THE DEPARTMENT SHALL HAVE THE CERTIFICATE OF SEARCH
26 DELIVERED TO THE REQUESTOR BY OVERNIGHT MAIL, IN PERSON, BY
27 MESSENGER, BY FACSIMILE, OR BY OTHER ELECTRONIC COMMUNICATION. THE

1 DEPARTMENT'S CERTIFICATE OF SEARCH OR AN APPROPRIATE CERTIFICATE OF
2 SEARCH FROM ANOTHER STATE IS SUFFICIENT PROOF THAT THE REGISTRY WAS
3 SEARCHED.

4 (3) A CERTIFICATE OF SEARCH MUST BE FILED WITH THE COURT
5 BEFORE A PROCEEDING FOR ADOPTION OF A CHILD OR TERMINATION OF
6 PARENTAL RIGHTS REGARDING A CHILD MAY BE CONCLUDED.

7 (4) A CERTIFICATE OF SEARCH OF THE REGISTRY IS ADMISSIBLE IN A
8 PROCEEDING FOR ADOPTION OF A CHILD OR TERMINATION OF PARENTAL
9 RIGHTS REGARDING A CHILD AND, IF RELEVANT, IN ANY OTHER LEGAL
10 PROCEEDING.

11 SEC. 2892D. (1) THE DEPARTMENT SHALL PROVIDE ACCESS TO AND
12 ALLOW FOR AN ONLINE REGISTRATION PROCESS FOR THE REGISTRY.

13 (2) THE DEPARTMENT SHALL PRODUCE AND DISTRIBUTE A PAMPHLET OR
14 OTHER PUBLICATION INFORMING THE PUBLIC ABOUT THE REGISTRY THAT
15 SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

16 (A) THE PROCEDURES FOR VOLUNTARY ACKNOWLEDGMENT OF PATERNITY.

17 (B) THE CONSEQUENCES OF ACKNOWLEDGMENT OF PATERNITY AND
18 FAILURE TO ACKNOWLEDGE PATERNITY UNDER THIS SECTION.

19 (C) A DESCRIPTION OF THE REGISTRY, INCLUDING TO WHOM AND UNDER
20 WHAT CIRCUMSTANCES THE REGISTRY APPLIES.

21 (D) THE TIME LIMITS AND RESPONSIBILITIES FOR FILING.

22 (E) PATERNAL RIGHTS AND ASSOCIATED RESPONSIBILITIES.

23 (F) INFORMATION EXPLAINING ONLINE REGISTRATION FOR THE
24 REGISTRY.

25 (G) OTHER APPROPRIATE PROVISIONS OF THIS SECTION.

26 (3) THE PAMPHLET OR PUBLICATION DESCRIBED IN SUBSECTION (2)
27 SHALL INCLUDE A DETACHABLE FORM THAT MEETS THE REQUIREMENTS OF

1 SECTION 2892A(6), IS SUITABLE FOR UNITED STATES MAIL, AND IS
2 ADDRESSED TO THE REGISTRY. THE PAMPHLET OR PUBLICATION SHALL BE
3 MADE AVAILABLE FOR DISTRIBUTION AT ALL OFFICES OF THE DEPARTMENT
4 AND ALL LOCAL DEPARTMENT OFFICES. THE DEPARTMENT SHALL ALSO PROVIDE
5 THE PAMPHLETS OR PUBLICATIONS TO HOSPITALS, LIBRARIES, MEDICAL
6 CLINICS, SCHOOLS, UNIVERSITIES, AND OTHER PROVIDERS OF CHILD-
7 RELATED SERVICES UPON REQUEST.

8 (4) THE DEPARTMENT SHALL PROVIDE INFORMATION TO THE PUBLIC
9 THROUGH GENERAL PUBLIC SERVICE ANNOUNCEMENTS, OR OTHER WAYS TO
10 DELIVER INFORMATION TO THE PUBLIC ABOUT THE REGISTRY AND ITS
11 SERVICES.

12 SEC. 2892E. (1) THE REGISTRY FUND IS CREATED WITHIN THE STATE
13 TREASURY.

14 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
15 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
16 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
17 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

18 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
19 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

20 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
21 AUDITING PURPOSES.

22 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
23 APPROPRIATION, ONLY FOR THE PURPOSES OF IMPLEMENTING AND
24 ADMINISTERING THE PROVISIONS OF THIS SECTION AND SECTIONS 2892 TO
25 2892D.