

# HOUSE BILL No. 4661

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

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending section 33 of chapter X (MCL 710.33).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER X

Sec. 33. (1) ~~Before the birth of a child born out of wedlock,~~  
~~a person claiming under oath to be the father of the child may file~~  
~~a verified notice of intent to claim paternity with the court in~~  
~~any county of this state. The form of the notice shall be~~  
~~prescribed by the director of the department of public health and~~  
~~provided to the court. The notice shall include the claimant's~~  
~~address. On the next business day after receipt of the notice the~~  
~~court shall transmit the notice to the vital records division of~~  
~~the department of public health.~~ **A MAN WHO DESIRES TO BE NOTIFIED**

1 OF A PROCEEDING FOR ADOPTION OF A CHILD OR TERMINATION OF PARENTAL  
 2 RIGHTS REGARDING A CHILD WHOM HE MAY HAVE FATHERED SHALL REGISTER  
 3 WITH THE RESPONSIBLE FATHER REGISTRY CREATED IN SECTION 2892, ADDED  
 4 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.2892, BEFORE THE  
 5 CHILD'S BIRTH OR NOT MORE THAN 48 HOURS AFTER THE CHILD'S BIRTH. If  
 6 the mother's address is stated ~~on the notice,~~ **IN THE REGISTRY**  
 7 **ENTRY**, the vital records division **OF THE DEPARTMENT OF COMMUNITY**  
 8 **HEALTH** shall ~~send a copy of the notice~~ **NOTIFY THE CHILD'S MOTHER** by  
 9 first-class mail ~~to the mother of the child~~ at the stated address.

10 (2) ~~A person filing a notice of intent to claim paternity~~  
 11 ~~shall be~~ **MAN REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY IS**  
 12 ~~presumed~~ **ASSUMED** to be the father of the child **WHO IS THE SUBJECT**  
 13 **OF THE REGISTRY ENTRY** for purposes of this chapter unless the  
 14 mother denies that the claimant is the father. ~~Such a notice is~~  
 15 ~~admissible in a paternity proceeding under Act No. 205 of the~~  
 16 ~~Public Acts of 1956, as amended, being sections 722.711 to 722.730~~  
 17 ~~of the Michigan Compiled Laws, and shall create a rebuttable~~  
 18 ~~presumption as to the paternity of that child for purposes of that~~  
 19 ~~act. Such a notice shall create~~ **REGISTERING WITH THE RESPONSIBLE**  
 20 **FATHER REGISTRY CREATES** a rebuttable presumption as to paternity of  
 21 the child for purposes of dependency or neglect proceedings under  
 22 chapter ~~12a.~~ **XIIA.**

23 (3) ~~A person who timely files a notice of intent to claim~~  
 24 ~~paternity shall be~~ **A MAN WHO REGISTERS IN A TIMELY MANNER WITH THE**  
 25 **RESPONSIBLE FATHER REGISTRY IS** entitled to notice of any hearing  
 26 involving that child to determine the identity of the father of the  
 27 child and any hearing to determine or terminate his paternal rights

1 to the child.

2 Enacting section 1. This amendatory act does not take effect  
3 unless Senate Bill No. \_\_\_\_ or House Bill No. 4659(request no.  
4 02100'13) of the 97th Legislature is enacted into law.