

# HOUSE BILL No. 4662

May 2, 2013, Introduced by Reps. Kowall, 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 37 of chapter X (MCL 710.37).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER X

Sec. 37. (1) ~~If~~ **EXCEPT AS PROVIDED IN SUBSECTION (2) FOR A**  
**CHILD BORN ON OR BEFORE SEPTEMBER 30, 2014, IF** the court has proof  
that the person whom it determines ~~pursuant to~~ **UNDER** section 36 **OF**  
**THIS CHAPTER** to be the **CHILD'S** father ~~of the child~~ was timely  
served with a notice of intent to release or consent ~~pursuant to~~  
**UNDER** section 34(1) **OF THIS CHAPTER** or was served with or waived  
the notice of hearing required by section 36(3) **OF THIS CHAPTER**,  
the court may permanently terminate the **PUTATIVE FATHER'S PARENTAL**  
rights ~~of the putative father~~ under any of the following  
circumstances:

1 (a) The putative father submits a verified affirmation of his  
2 paternity and a denial of his interest in custody of the child.

3 (b) The putative father files a disclaimer of paternity. For  
4 purposes of this section the filing of the disclaimer of paternity  
5 ~~shall constitute~~ **IS** a waiver of notice of hearing and ~~shall~~  
6 ~~constitute~~ **IS** a denial of his interest in custody of the child.

7 (c) The putative father was served with a notice of intent to  
8 release or consent in accordance with section 34(1) **OF THIS**  
9 **CHAPTER**, at least 30 days before the expected date of confinement  
10 specified in that notice but failed to file an intent to claim  
11 paternity either before the expected date of confinement or before  
12 the birth of the child.

13 (d) The putative father is given proper notice of hearing in  
14 accordance with section 36(3) or 36(5) **OF THIS CHAPTER** but either  
15 fails to appear at the hearing or appears and denies his interest  
16 in custody of the child.

17 (2) **FOR A CHILD BORN ON OR AFTER OCTOBER 1, 2014, IF THE COURT**  
18 **IS NOTIFIED THAT THE PERSON WHOM IT DETERMINES TO BE THE CHILD'S**  
19 **FATHER HAS NOT FILED IN A TIMELY MANNER WITH THE RESPONSIBLE FATHER**  
20 **REGISTRY, THE COURT MAY PERMANENTLY TERMINATE THE PUTATIVE FATHER'S**  
21 **PARENTAL RIGHTS.**

22 (3) ~~(2) If~~ **FOR A CHILD BORN ON OR BEFORE SEPTEMBER 30, 2014,**  
23 **IF** the identity of the father cannot be determined, or if the  
24 identity of the father is known but his whereabouts cannot be  
25 determined, the court shall take evidence to determine the facts in  
26 the matter. The court may terminate the **PUTATIVE FATHER'S PARENTAL**  
27 ~~rights of the putative father~~ if the court finds from the evidence

1 that reasonable effort has been made to identify and locate the  
2 father and that ~~any~~ **EITHER** of the following circumstances  
3 ~~exist~~ **EXISTS**:

4 (a) The putative father, whose identity is not known, has not  
5 made provision for the child's care and did not provide support for  
6 the mother during her pregnancy or during her confinement.

7 (b) The putative father, whose identity is known but whose  
8 whereabouts are unknown, has not provided support for the mother,  
9 has not shown any interest in the child, and has not made provision  
10 for the child's care, for at least 90 days preceding the hearing  
11 required under section 36 **OF THIS CHAPTER**.

12 (4) **FOR A CHILD BORN ON OR AFTER OCTOBER 1, 2014, IF THE**  
13 **PUTATIVE FATHER HAS NOT REGISTERED WITH THE RESPONSIBLE FATHER**  
14 **REGISTRY, THE COURT MAY TERMINATE THE PUTATIVE FATHER'S PARENTAL**  
15 **RIGHTS.**