

Act No. 376
Public Acts of 2014
Approved by the Governor
December 17, 2014
Filed with the Secretary of State
December 17, 2014
EFFECTIVE DATE: March 17, 2015

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Hovey-Wright and Kurtz

ENROLLED HOUSE BILL No. 5583

AN ACT to amend 2012 PA 159, entitled "An act to provide procedures to determine the paternity of children in certain circumstances; to allow acknowledgments, determinations, and judgments relating to paternity to be set aside in certain circumstances; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies," 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:

Sec. 3. As used in this act:

- (a) "Acknowledged father" means a man who has affirmatively held himself out to be the child's father by executing an acknowledgment of parentage under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.
- (b) "Affiliated father" means a man who has been determined in a court to be the child's father.
- (c) "Alleged father" means a man who by his actions could have fathered the child.
- (d) "Genetic father" means a man whose paternity has been determined solely through genetic testing under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, the summary support and paternity act, or the genetic parentage act.
- (e) "Presumed father" means a man who is presumed to be the child's father by virtue of his marriage to the child's mother at the time of the child's conception or birth.
- (f) "Order of filiation" means a judicial order establishing an affiliated father.
- (g) "Title IV-D case" means an action in which services are provided under part D of title IV of the social security act, 42 USC 651 to 669b.

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

(2) Section 8 governs an action to determine that a genetic father is not a child's father.

(3) Section 9 governs an action to set aside an order of filiation.

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

Sec. 8. (1) The mother, the genetic father, an alleged father, or a prosecuting attorney may file an action for an order determining that a genetic father is not a child's father. An action under this section shall be filed within 3 years after the child's birth or within 1 year after the date that the genetic father was established as a child's father, whichever is later.

(2) An action under this section shall be supported by an affidavit signed by the person filing the action that states facts constituting 1 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 child's mother.

(c) A man who has DNA identical to the genetic father is the child's father.

(3) If the court in an action under this section finds that an affidavit under subsection (2) is sufficient, the court shall order blood or tissue typing or DNA identification profiling as required under section 13(5). The person filing the action has the burden of proving, by clear and convincing evidence, that the genetic father is not the father of the child. The court may order the person filing the action to repay the cost of the genetic test to the state.

(4) If a genetic father has been reported to the state registrar as a child's father, the clerk of the court shall forward a copy of an order determining that the genetic father is not a child's father to the state registrar. The state registrar shall remove the genetic father as the child's father and may amend the birth certificate as prescribed by the order.

(5) Whether an action filed under this section is brought by a complaint in an original action or by a motion in an existing action, the prosecuting attorney, an attorney appointed by the county, or an attorney appointed by the court is not required to represent any party regarding the action.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

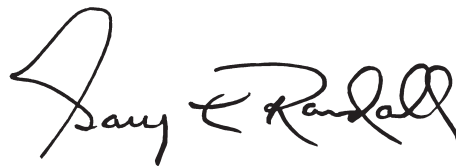
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

(a) House Bill No. 5463.

(b) House Bill No. 5464.

(c) House Bill No. 5465.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor