

HOUSE BILL NO. 5210

October 24, 2023, Introduced by Reps. Hoskins, Steckloff, Morgan and O'Neal and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 2114 (MCL 700.2114), as amended by 2012 PA 160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2114. (1) Except as provided in subsections (2) ~~,(3),~~
2 ~~and (4),~~ **to (5)**, for purposes of intestate succession by, through,
3 or from an individual, an individual is the child of ~~his or her~~ **the**
4 **child's** natural parents, regardless of their marital status. The
5 parent and child relationship may be established **and the individual**
6 **may be considered a child's natural parent** in any of the following

1 manners:

2 (a) If a child is born or conceived during a marriage, both
3 spouses are presumed to be the natural parents of the child for
4 purposes of intestate succession. ~~A child conceived by a married~~
5 ~~woman with the consent of her husband following utilization of~~
6 ~~assisted reproductive technology is considered as their child for~~
7 ~~purposes of intestate succession. Consent of the husband is~~
8 ~~presumed unless the contrary is shown by clear and convincing~~
9 ~~evidence. If a man and a woman~~ **2 individuals** participated in a
10 marriage ceremony in apparent compliance with the law before the
11 birth of a child, even though the attempted marriage may be void,
12 the child is presumed to be their child for purposes of intestate
13 succession.

14 (b) If a child is born out of wedlock or if a child is born or
15 conceived during a marriage but is not the issue of that marriage,
16 ~~a man~~ **an individual who did not give birth** is considered to be the
17 child's natural ~~father~~ **parent** for purposes of intestate succession
18 if any of the following occur:

19 (i) The ~~man~~ **individual who did not give birth** joins with the
20 child's mother and acknowledges that child as his child by
21 completing an acknowledgment of parentage as prescribed in the
22 acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to
23 722.1013.

24 (ii) The ~~man~~ **individual who did not give birth** joins the mother
25 in a written request for a correction of certificate of birth
26 pertaining to the child that results in issuance of a substituted
27 certificate recording the child's birth.

28 (iii) The ~~man~~ **individual who did not give birth** and child have
29 established a mutually acknowledged relationship of parent and

1 child that begins before the child becomes age 18 and continues
2 until terminated by the death of either.

3 (iv) The ~~man~~**individual who did not give birth** is determined to
4 be the child's ~~father~~**parent** and an order of filiation establishing
5 that paternity **or parentage** is entered as provided in the paternity
6 act, 1956 PA 205, MCL 722.711 to 722.730.─

7 (v) Regardless of the child's age or whether or not the
8 ~~alleged father~~**individual with a claim to parentage** has died, the
9 court with jurisdiction over probate proceedings relating to the
10 decedent's estate determines that the ~~man~~**individual who did not**
11 **give birth** is the child's ~~father~~**, parent**, using the standards and
12 procedures established under the paternity act, 1956 PA 205, MCL
13 722.711 to 722.730, **or other law of this state.**

14 (vi) The ~~man~~**individual who did not give birth** is determined to
15 be the ~~father~~**parent** in an action under the revocation of ~~paternity~~
16 **parentage** act, 2012 PA 159, MCL 722.1431 to 722.1445.

17 (c) A child who is not conceived or born during a marriage is
18 an individual born in wedlock if the child's parents marry after
19 the conception or birth of the child.

20 (d) A child conceived by assisted reproduction with the
21 consent of an individual consistent with the assisted reproduction
22 and surrogacy parentage act is considered the child of the intended
23 parent or parents for purposes of intestate succession.

24 (e) A child conceived by assisted reproduction under a
25 surrogacy agreement that complies with the assisted reproduction
26 and surrogacy parentage act is considered the child of the intended
27 parent or parents for purposes of intestate succession.

28 (2) An adopted individual is the child of ~~his or her~~**the**
29 **child's** adoptive parent or parents and not of ~~his or her~~**the**

1 **child's** natural parents, but adoption of a child by the spouse of
2 either natural parent has no effect on either the relationship
3 between the child and that natural parent or the right of the child
4 or a descendant of the child to inherit from or through the other
5 natural parent. An individual is considered to be adopted for
6 purposes of this subsection when a court of competent jurisdiction
7 enters an interlocutory decree of adoption that is not vacated or
8 reversed.

9 (3) The permanent termination of parental rights of a minor
10 child by an order of a court of competent jurisdiction; by a
11 release for purposes of adoption given by the parent, but not a
12 guardian, to the ~~family independence agency~~ **department of health**
13 **and human services** or a licensed child placement agency, or before
14 a probate or juvenile court; or by any other process recognized by
15 the law governing the parent-child status at the time of
16 termination, excepting termination by emancipation or death, ends
17 kinship between the parent whose rights are so terminated and the
18 child for purposes of intestate succession by that parent from or
19 through that child.

20 (4) Inheritance from or through a child by either natural
21 parent or ~~his or her~~ **the individual's child** kindred is precluded
22 unless that natural parent has openly treated the child as ~~his or~~
23 ~~hers,~~ **the natural parent's child** and has not refused to support the
24 child.

25 ~~(5) Only the individual presumed to be the natural parent of a~~
26 ~~child under subsection (1) (a) may disprove a presumption that is~~
27 ~~relevant to that parent and child relationship, and this exclusive~~
28 ~~right to disprove the presumption terminates on the death of the~~
29 ~~presumed parent.~~

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

3 Enacting section 2. This amendatory act does not take effect
4 unless all of the following bills of the 102nd Legislature are
5 enacted into law:

6 (a) Senate Bill No. _____ or House Bill No. 5207 (request no.
7 03362'23 *).

8 (b) Senate Bill No. _____ or House Bill No. 5212 (request no.
9 03362'23 c).