



House  
Legislative  
Analysis  
Section  
Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## ESTABLISHMENT OF PATERNITY

House Bill 4624

Sponsor: Rep. James McNutt

Committee: Judiciary and Civil Rights

Complete to 4-25-95

### A SUMMARY OF HOUSE BILL 4624 AS INTRODUCED 3-16-95

House Bill 4624 would amend the Paternity Act (MCL 722.714) to allow a putative father to bring an action seeking a determination of paternity even where the mother was married to another person at the time of the child's birth.

Currently the Paternity Act allows either the mother or father of a child to bring an action before the appropriate court seeking a determination of paternity. However, current law also presumes that if the mother of a child is married at the time of the child's birth or conception, the mother's husband at that time is the legal father of the child. The bill would allow a putative father seeking to establish his own paternity to rebut this presumption. In order to rebut this presumption a putative father would be allowed to offer evidence of facts and circumstances supporting his claim of paternity, including, but not limited to:

- \* The results of tissue or blood typing showing an 80 percent or greater probability that either the mother's husband was not the father or that the putative father is the child's father.
- \* The child's mother and the putative father were married at the time of conception.
- \* The child's mother and her husband at the time of the birth were married less than 7 months prior to the child's birth.
- \* The putative father had an opportunity to impregnate the child's mother.

The bill would also extend the deadline for paternity suits involving children who turned 18 between August 15, 1984 and June 2, 1986, from March 1, 1993 to January 1, 1995. The current law was passed with a deadline (March 1, 1993) which had already passed by the time the bill was enacted into law. (Presumably, the extension provided for in this bill would be moot because the new deadline has already passed. This would merely have the effect of changing the language of the law back to the way it was before the enactment of the 1994 amendment, rather than giving more time for an interested party to bring a paternity suit.)

House Bill 4624 (4-25-95)