

Act No. 305
Public Acts of 1996
Approved by the Governor
June 20, 1996
Filed with the Secretary of State
June 20, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Geake, V. Smith, Gast, Steil, Emmons and Gougeon

ENROLLED SENATE BILL No. 749

AN ACT to prescribe procedures for and the contents of acknowledgments of parentage; to state the effects of those acknowledgments; to provide procedures and criteria for revoking acknowledgments; and to prescribe powers and duties of certain state officers and employees.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "acknowledgment of parentage act".

Sec. 2. As used in this act:

(a) "Acknowledgment" means an acknowledgment of parentage executed as provided in this act.

(b) "Child" means a child conceived and born to a woman who was not married at the time of conception or the date of birth of the child, or a child that the circuit court determines was born or conceived during a marriage but is not the issue of that marriage.

(c) "Court" means the circuit court.

(d) "Father" means the man who signs an acknowledgment of parentage of a child.

(e) "State registrar" means that term as defined in section 2805 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.2805 of the Michigan Compiled Laws.

Sec. 3. (1) If a child is born out of wedlock, a man is considered to be the natural father of that child if the man joins with the mother of the child and acknowledges that child as his child by completing a form that is an acknowledgment of parentage.

(2) An acknowledgment of parentage form is valid and effective if signed by the mother and father and those signatures are notarized by a notary public authorized by the state in which the acknowledgment is signed. An acknowledgment may be signed any time during the child's lifetime.

(3) The mother and father shall be provided a copy of the completed acknowledgment at the time of signing.

Sec. 4. An acknowledgment signed under this act establishes paternity, and the acknowledgment may be the basis for court ordered child support, custody, or parenting time without further adjudication under the paternity act, Act No. 205 of the Public Acts of 1956, being sections 722.711 to 722.730 of the Michigan Compiled Laws. The child who is the subject of the acknowledgment shall bear the same relationship to the mother and the man signing as the father as a child born or conceived during a marriage and shall have the identical status, rights, and duties of a child born in lawful wedlock effective from birth.

Sec. 5. (1) A completed original acknowledgment of parentage shall be filed with the state registrar. Upon receipt of an acknowledgment, the state registrar shall review the form. If it appears to be properly completed and notarized, the state registrar shall file the acknowledgment in a parentage registry in the office of the state registrar. An acknowledgment filed with the state registrar shall be maintained as a permanent record in a manner consistent with section 2876 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.2876 of the Michigan Compiled Laws.

(2) The state registrar shall issue a copy of an acknowledgment filed in the parentage registry under the procedures and upon payment of the fee prescribed by section 2891 of Act No. 368 of the Public Acts of 1978, being section 333.2891 of the Michigan Compiled Laws.

(3) Upon filing, the completed acknowledgment form may serve as a basis for preparation of a new certificate of birth as provided in section 2831 of Act No. 368 of the Public Acts of 1978, being section 333.2831 of the Michigan Compiled Laws.

Sec. 6. After a mother and father sign an acknowledgment of parentage, the mother is presumed to have custody of the minor child unless otherwise determined by the court or otherwise agreed upon by the parties in writing.

Sec. 7. The acknowledgment of parentage form shall include at least all of the following written notices to the parties:

- (a) The acknowledgment of parentage is a legal, public document.
- (b) Completion of the acknowledgment is voluntary.
- (c) The mother has custody of the child unless otherwise determined by the court or agreed by the parties in writing.
- (d) Either parent may assert a claim in court for parenting time or custody.
- (e) The parents have a right to notice and a hearing regarding the adoption of the child.
- (f) Both parents have the responsibility to support the child and to comply with a court or administrative order for the child's support.
- (g) Notice that signing the acknowledgment waives the following:
 - (i) Blood or genetic tests to determine if the man is the biological father of the child.
 - (ii) Any right to an attorney, including the prosecuting attorney or an attorney appointed by the court in the case of indigency, to represent either party in a court action to determine if the man is the biological father of the child.
 - (iii) A trial to determine if the man is the biological father of the child.

Sec. 8. The state registrar shall prepare or approve the form used for acknowledgment of parentage. The form shall conform as closely as possible to section 7, federal requirements, and the needs of other appropriate state agencies. The state registrar shall make the form available to the public through the family independence agency, prosecuting attorneys, and hospitals as provided in section 21532 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.21532 of the Michigan Compiled Laws.

Sec. 9. In proceedings under this act, the court may appoint a next friend or guardian ad litem to represent a minor parent at the court's discretion. A minor parent may sign an acknowledgment of parentage with the same effect as if he or she were of legal age.

Sec. 10. Except as otherwise provided by law, a mother and father who sign an acknowledgment that is filed as prescribed by section 5 are consenting to the general, personal jurisdiction of the courts of record of this state regarding the issues of the support, custody, and parenting time of the child.

Sec. 11. (1) The mother or the man who signed the acknowledgment, the child who is the subject of the acknowledgment, or a prosecuting attorney may file a claim for revocation of an acknowledgment of parentage. If filed as an original action, the claim shall be filed in the circuit court of the county where either the mother or man resides. If neither of those parties lives in this state, the claim shall be filed in the county where the child resides. A claim for revocation may be filed as a motion in an existing action for child support, custody, or parenting time in the county where the action is and all provisions in this act apply as if it were an original action.

(2) A claim for revocation shall be supported by an affidavit signed by the claimant setting forth facts that constitute 1 of the following:

- (a) Mistake of fact.
- (b) Newly discovered evidence that by due diligence could not have been found before the acknowledgment was signed.
- (c) Fraud.

(d) Misrepresentation or misconduct.

(e) Duress in signing the acknowledgment.

(3) If the court finds that the affidavit is sufficient, the court may order blood or genetic tests at the expense of the claimant, or may take other action the court considers appropriate. The party filing the claim for revocation has the burden of proving, by clear and convincing evidence, that the man is not the father and that, considering the equities of the case, revocation of the acknowledgment is proper.

(4) A copy of the order of revocation shall be forwarded by the clerk of the court to the state registrar. The state registrar shall vacate the acknowledgment and may amend the birth certificate as prescribed by the order of revocation.

(5) Whether the claim for revocation under this act arises as an original action or as a motion in another action, the prosecuting attorney, an attorney appointed by the county, or an attorney appointed by the court is not required to represent either party regarding the claim for revocation.

Sec. 12. This act does not affect the validity of an acknowledgment signed before the effective date of this act. The procedures for determination of a claim for revocation apply to all acknowledgments, including those signed before the effective date of this act.

Sec. 13. This act shall take effect June 1, 1997.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved _____

Governor.