



SENATE BILL No. 750

November 7, 1995, Introduced by Senators GEAKE, V. SMITH, GAST, STEIL, EMMONS and GOUGEON and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend section 111 of Act No. 642 of the Public Acts of 1978, entitled as amended "Revised probate code," as amended by Act No. 387 of the Public Acts of 1994, being section 700.111 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 111 of Act No. 642 of the Public Acts of
2 1978, as amended by Act No. 387 of the Public Acts of 1994, being
3 section 700.111 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 111. (1) For all purposes of intestate succession, a
6 child is the heir of each of his or her natural parents notwith-
7 standing the relationship between the parents except as otherwise
8 provided by section 110.

1 (2) If a child is born or conceived during a marriage, both
2 spouses are presumed to be the natural parents of the child for
3 all purposes of intestate succession. A child conceived
4 ~~following artificial insemination of~~ BY a married woman with
5 the consent of her husband FOLLOWING THE UTILIZATION OF ASSISTED
6 REPRODUCTIVE TECHNOLOGY shall be considered as their child for
7 all 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 participated in a marriage cere-
10 mony in apparent compliance with the law before the birth of a
11 child, even though the attempted marriage is void, the child is
12 considered to be their child for all purposes of intestate
13 succession.

14 (3) Only the person presumed to be the natural parent of a
15 child under subsection (2) may disprove any presumption that may
16 be relevant to the relationship, and this exclusive right to do
17 so terminates upon the death of the presumed parent.

18 (4) If a child is born out of wedlock or if a child is born
19 or conceived during a marriage but is not the issue of that mar-
20 riage, a man is considered to be the natural father of that child
21 for all purposes of intestate succession if any of the following
22 occurs:

23 (a) The man joins with the mother of the child and acknowl-
24 edges that child as his child by completing ~~and filing~~ an
25 acknowledgment of ~~paternity~~ PARENTAGE AS PRESCRIBED IN THE
26 ACKNOWLEDGMENT OF PARENTAGE ACT. ~~The man and mother shall each~~
27 ~~sign the acknowledgment of paternity in the presence of 2~~

~~1 witnesses, who shall also sign the acknowledgment, and in the
2 presence of a judge, clerk of the court, or notary public
3 appointed in this state. The acknowledgment shall be filed at
4 either the time of birth or another time during the child's life
5 time with the probate court in the mother's county of residence
6 or, if the mother is not a resident of this state when the
7 acknowledgment is executed, in the county of the child's birth.
8 It is not necessary for the mother of the child to join in the
9 acknowledgment if she is disqualified to act by reason of mental
10 incapacity, death, or any other reason satisfactory to the pro-
11 bate judge of the county in which the acknowledgment may be
12 recorded.~~

13 (b) The man joins with the mother in a written request for a
14 correction of certificate of birth pertaining to the child that
15 results in issuance of a substituted certificate recording the
16 birth of the child.

17 (c) The man and the child have borne a mutually acknowledged
18 relationship of parent and child that began before the child
19 became age 18 and continued until terminated by the death of
20 either.

21 (d) The man has been determined to be the father of the
22 child and an order of filiation establishing that paternity has
23 been entered ~~pursuant to~~ AS PROVIDED IN the paternity act, Act
24 No. 205 of the Public Acts of 1956, being sections 722.711 to
25 722.730 of the Michigan Compiled Laws.

26 (5) Property of a child born out of wedlock or a child born
27 or conceived during a marriage but not the issue of that marriage

1 passes in accordance with the law of intestate succession except
2 that the father and his kindred shall not be considered as rela-
3 tives of the child unless the child might have inherited from the
4 father as provided in this section.

5 (6) If a person is considered or presumed by a provision of
6 this section, not including subsection (7), to be the natural
7 parent of a child born out of wedlock or a child born or con-
8 ceived during a marriage but not the issue of that marriage, that
9 child shall bear the same relationship to that person as a child
10 born or conceived during a marriage for all other purposes and
11 shall have the identical status, rights, and duties of a child
12 born in lawful wedlock effective from birth.

13 (7) The biological father of a child who is born out of wed-
14 lock, or who is born or conceived during a marriage but is not
15 the issue of that marriage, shall be considered to be the natural
16 father of that child for the purpose of intestate succession from
17 the father to the child only. This subsection does not extin-
18 guish a child's right to inherit from another person considered
19 to be the child's natural or legal father under another provision
20 of law. This subsection does not apply to a child who is adopted
21 by another man before the date of death of the child's biological
22 father.

23 ~~(8) If the department of social services or the prosecuting~~
24 ~~attorney provides assistance to parties in executing an acknowl-~~
25 ~~edgment of paternity, the department or prosecutor, as applica-~~
26 ~~ble, shall provide to the mother and man written information on~~
27 ~~the parents' rights and responsibilities resulting from the~~

1 ~~acknowledgment. That information shall set forth at least all of~~
2 ~~the following:~~

3 ~~(a) The right to assert a claim for visitation or custody.~~

4 ~~(b) The right to notice and a hearing regarding the adoption~~
5 ~~of the child.~~

6 ~~(c) The responsibility to comply with a child support order~~
7 ~~if issued after the acknowledgment.~~

8 ~~(9) An acknowledgment of paternity executed as provided in~~
9 ~~this section is presumed to establish paternity for all~~
10 ~~purposes. The acknowledgment may be set aside by the circuit~~
11 ~~court in the county where it is filed only if the man is proven~~
12 ~~not to be the father by clear and convincing evidence.~~

13 Section 2. This amendatory act shall not take effect unless
14 Senate Bill No. 749

15 of the 88th Legislature is enacted into law.

16 Section 3. This amendatory act shall take effect October 1,
17 1996.