

Senate Fiscal Agency
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Senate Bill 595 (Substitute S-3 as reported)
Sponsor: Senator Joel D. Gougeon
Committee: Health Policy

CONTENT

The bill would amend the Paternity Act to revise provisions regarding court-ordered blood or tissue tests to determine paternity, specifically in regard to DNA identification profiling.

Currently, in a paternity proceeding before trial, upon application made by either party or on its own motion, the court may order a mother, child, and alleged father to submit to blood or tissue typing determinations, including DNA profiles, to determine whether the alleged father is likely to be, or is not, the father of the child. The bill would refer to DNA identification profiling, rather than DNA profiles.

Under the Act, if the result of blood or tissue typing or a DNA profile is inconclusive, a written report including a calculation of the probability of paternity must be filed with the court. The bill provides instead that the result of blood or tissue typing or a DNA identification profile and a summary report would have to be filed with the court. A "summary report" would be a written summary of the DNA identification profile that included only specified information.

Currently, if a man is found not to be the child's father, the court must order his genetic testing material to be destroyed. The bill provides, instead, that the contracting laboratory would have to destroy the material in compliance with the Public Health Code's requirements for the disposal of medical waste, and in the presence of a witness. After the man's genetic testing material was destroyed, the contracting laboratory would have to make and keep a written record of the destruction, and have the individual who witnessed it sign the record. The laboratory also would have to expunge its records regarding the genetic paternity testing performed on the material.

Each year, a contracting laboratory would have to have conducted an independent audit verifying its compliance with the bill's requirements. The audit could not identify the test subjects required to submit to blood or tissue typing or DNA identification profiling. The laboratory would have to forward the audit to the Department of Consumer and Industry Services.

MCL 722.711 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

It appears that the bill would have an indeterminate fiscal impact on State government. The Family Independence Agency, in relation to its Child Support Enforcement activities, contracts with National Legal Laboratories for the testing of individuals to determine probability of paternity. Currently, the department spends per test approximately \$51 per person, or approximately \$153 for each test of a trio of persons: the alleged father, the mother, and the child. According to the department, an average of 1,400 persons are tested per month. Therefore, the average monthly cost is about \$71,400 Gross. Testing costs increased over the past year because of Act changes in 1998 for expunging the laboratory's records (Sec. 6a(2)) and contract costs would increase further with the inclusion of audit provisions (Sec. 6a(5)).

Date Completed: 10-25-99

Fiscal Analyst: C. Cole