

SUBSTITUTE FOR
HOUSE BILL NO. 4659

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2805 (MCL 333.2805), as amended by 1996 PA 307,
and by adding sections 2892, 2892a, 2892b, 2892c, 2892d, and 2892e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2805. (1) "State registrar" means the official appointed
2 under section 2813 or his or her authorized representative.

3 (2) "System of vital statistics" means the collection,
4 certification, compilation, amendment, coordination, and
5 preservation of vital records, including the tabulation, analysis,
6 and publication of vital statistics.

7 (3) "Vital record" means a certificate or registration of
8 birth, death, marriage, or divorce; an acknowledgment of parentage;
9 **AN ENTRY IN THE RESPONSIBLE FATHER REGISTRY CREATED IN SECTION**
10 **2892;** or related data.

1 (4) "Vital statistics" means data derived from vital records
2 and related reports.

3 SEC. 2892. (1) AS USED IN THIS SECTION AND SECTIONS 2892A TO
4 2892E:

5 (A) "CHILD PLACING AGENCY" MEANS THAT TERM AS DEFINED IN
6 SECTION 1 OF 1973 PA 116, MCL 722.111.

7 (B) "REGISTRY" MEANS THE RESPONSIBLE FATHER REGISTRY CREATED
8 IN SUBSECTION (2).

9 (C) "SUPPORT ENFORCEMENT AGENCY" MEANS THAT TERM AS DEFINED IN
10 SECTION 104 OF THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA
11 310, MCL 552.1104.

12 (2) THE DEPARTMENT SHALL ADMINISTER AND MAINTAIN A REGISTRY TO
13 BE KNOWN AS THE "RESPONSIBLE FATHER REGISTRY". THE DEPARTMENT SHALL
14 INCLUDE IN THE REGISTRY ALL REGISTRATIONS FILED AS DESCRIBED IN
15 SECTION 2892A AND ALL REGISTRATIONS FILED IN ANOTHER STATE UNDER
16 SIMILAR LAWS OF THAT STATE AND PRESENTED TO THE DEPARTMENT FOR
17 FILING.

18 SEC. 2892A. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)
19 OR UNLESS NOTICE IS GIVEN UNDER SUBSECTION (5), A MAN WHO DESIRES
20 TO BE NOTIFIED OF A PROCEEDING FOR ADOPTION OF A CHILD OR
21 TERMINATION OF PARENTAL RIGHTS REGARDING A CHILD WHOM HE MAY HAVE
22 FATHERED SHALL REGISTER WITH THE REGISTRY BEFORE THE CHILD'S BIRTH
23 OR NOT MORE THAN 5 DAYS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER THE
24 CHILD'S BIRTH. A REGISTRANT MAY PROMPTLY NOTIFY THE REGISTRY OF ANY
25 CHANGE IN THE INFORMATION REGISTERED, INCLUDING, BUT NOT LIMITED
26 TO, CHANGE OF ADDRESS. THE DEPARTMENT SHALL INCORPORATE ALL NEW
27 INFORMATION RECEIVED INTO ITS RECORDS BUT IS NOT REQUIRED TO OBTAIN

1 CURRENT INFORMATION FOR INCORPORATION IN THE REGISTRY.

2 (2) A MAN'S PARENTAL RIGHTS ARE NOT WAIVED BY FAILING TO
3 REGISTER WITH THE REGISTRY IF THE MAN HAS ESTABLISHED PATERNITY
4 ACCORDING TO THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO
5 722.730, OR THE ACKNOWLEDGMENT OF PARENTAGE ACT, 1996 PA 305, MCL
6 722.1001 TO 722.1013.

7 (3) FAILURE TO REGISTER WITH THE REGISTRY ACCORDING TO
8 SUBSECTION (1) WAIVES A MAN'S RIGHT TO RECEIVE THE NOTICE TO WHICH
9 HE IS OTHERWISE ENTITLED AND IS A DENIAL OF HIS INTEREST IN CUSTODY
10 OF THE CHILD, WHICH DENIAL SHALL RESULT IN THE COURT'S TERMINATION
11 OF HIS PARENTAL RIGHTS TO THE CHILD UNLESS THE MAN WAS LED TO
12 BELIEVE THROUGH THE BIRTH MOTHER'S FRAUD THAT THE PREGNANCY WAS
13 TERMINATED OR THE MOTHER MISCARRIED WHEN IN FACT THE BABY WAS BORN
14 OR THAT THE CHILD DIED WHEN IN FACT THE CHILD IS ALIVE. THE MAN
15 MUST REGISTER WITH THE REGISTRY NOT MORE THAN 5 DAYS, EXCLUDING
16 WEEKENDS AND HOLIDAYS, AFTER DISCOVERING THE FRAUD DESCRIBED IN
17 THIS SUBSECTION.

18 (4) A CHILD PLACING AGENCY OR AN ATTORNEY INVOLVED IN THE
19 PROPOSED ADOPTION SHALL GIVE NOTICE OF A PROCEEDING FOR THE
20 ADOPTION OF A CHILD OR TERMINATION OF PARENTAL RIGHTS REGARDING A
21 CHILD TO A REGISTRANT WHO HAS REGISTERED IN A TIMELY MANNER
22 ACCORDING TO SUBSECTION (1). A MAN WHO REGISTERS WITH THE REGISTRY
23 IN A TIMELY MANNER IS ENTITLED TO NOTICE OF ANY HEARING INVOLVING
24 THE CHILD WHO IS THE SUBJECT OF THE REGISTRATION TO DETERMINE THE
25 FATHER'S IDENTITY OF THAT CHILD AND ANY HEARING TO DETERMINE OR
26 TERMINATE THE FATHER'S PARENTAL RIGHTS TO THAT CHILD.

27 (5) A MAN WHO HAS ENGAGED IN SEXUAL INTERCOURSE WITH A WOMAN

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1 IS CONSIDERED TO BE ON LEGAL NOTICE THAT A CHILD MAY BE CONCEIVED
2 AND THE MAN IS ENTITLED TO ALL LEGAL RIGHTS AND OBLIGATIONS AS A
3 RESULT. LACK OF KNOWLEDGE OF THE PREGNANCY DOES NOT EXCUSE FAILURE
4 TO REGISTER IN A TIMELY MANNER. IN THE EVENT THAT THE IDENTITY AND
5 WHEREABOUTS OF THE PUTATIVE FATHER OR ALLEGED FATHER ARE REASONABLY
6 ASCERTAINABLE, A CHILD PLACING AGENCY OR AN ATTORNEY INVOLVED IN
7 THE PROPOSED ADOPTION SHALL PROVIDE THE PUTATIVE FATHER OR ALLEGED
8 FATHER WITH WRITTEN NOTICE OF THE MOTHER'S INTENDED RELEASE OR
9 CONSENT TO ADOPTION AND THE AVAILABILITY OF REGISTRATION WITH THE
10 REGISTRY BY PERSONAL SERVICE OR BY CERTIFIED MAILING RETURN RECEIPT
11 REQUEST WITH DELIVERY RESTRICTED TO THE ADDRESSEE USING THE MAN'S
12 LAST KNOWN ADDRESS. PERSONAL SERVICE OR CERTIFIED MAILING MAY BE
13 EITHER BEFORE OR AFTER THE CHILD'S BIRTH. IF EXECUTED BEFORE THE
14 CHILD'S BIRTH, THE MAN HAS NOT MORE THAN 5 DAYS, EXCLUDING WEEKENDS
15 AND HOLIDAYS, FROM THE DATE OF THE CHILD'S BIRTH TO REGISTER. IF
16 EXECUTED AFTER THE CHILD'S BIRTH, THE MAN HAS NOT MORE THAN 5 DAYS,
17 EXCLUDING WEEKENDS AND HOLIDAYS, FROM THE DATE OF THE PERSONAL
18 SERVICE OR RECEIPT OF THE CERTIFIED MAILING TO REGISTER. [THE CHILD
19 PLACING AGENCY OR THE ATTORNEY INVOLVED IN THE PROPOSED ADOPTION SHALL
20 PREPARE AN AFFIDAVIT DOCUMENTING ALL EFFORTS MADE TO PROVIDE THE PUTATIVE
21 FATHER OR ALLEGED FATHER WITH THE WRITTEN NOTICE REQUIRED UNDER THIS
22 SUBSECTION.]

19 (6) THE DEPARTMENT SHALL PREPARE A FORM FOR REGISTERING WITH
20 THE REGISTRY THAT INCLUDES ALL OF THE FOLLOWING:

21 (A) THE REGISTRANT'S NAME, DATE OF BIRTH, AND SOCIAL SECURITY
22 NUMBER.

23 (B) THE REGISTRANT'S DRIVER LICENSE NUMBER AND STATE OF
24 ISSUANCE.

25 (C) THE REGISTRANT'S HOME ADDRESS, TELEPHONE NUMBER, AND
26 EMPLOYER.

27 (D) THE NAME, DATE OF BIRTH, ETHNICITY, ADDRESS, AND TELEPHONE

1 NUMBER OF THE MOTHER, IF KNOWN.

2 (E) THE STATE, CITY, AND PLACE WHERE CONCEPTION OCCURRED AND
3 THE APPROXIMATE DATE OF POSSIBLE CONCEPTION.

4 (F) THE CHILD'S PLACE AND DATE OF BIRTH, IF KNOWN.

5 (G) THE CHILD'S NAME AND GENDER, IF KNOWN.

6 (H) THE REGISTRANT'S SIGNATURE. A FORM FOR REGISTERING WITH
7 THE REGISTRY IS NOT COMPLETE UNLESS SIGNED BY THE REGISTRANT AND
8 NOTARIZED.

9 (7) THE FORM DESCRIBED IN SUBSECTION (6) SHALL ALSO INCLUDE A
10 STATEMENT REGARDING ALL OF THE FOLLOWING:

11 (A) REGISTRATION IN A TIMELY MANNER ENTITLES THE REGISTRANT TO
12 NOTICE OF A PROCEEDING FOR ADOPTION OF THE CHILD OR TERMINATION OF
13 THE REGISTRANT'S PARENTAL RIGHTS.

14 (B) REGISTRATION DOES NOT INITIATE A PROCEEDING TO ESTABLISH
15 PATERNITY.

16 (C) THE INFORMATION DISCLOSED ON THE FORM MAY BE USED AGAINST
17 THE REGISTRANT TO ESTABLISH PATERNITY.

18 (D) SERVICES TO ASSIST IN FILING WITH THE REGISTRY ARE
19 AVAILABLE TO THE REGISTRANT THROUGH THE DEPARTMENT.

20 (E) THE REGISTRANT SHOULD ALSO REGISTER IN ANOTHER STATE IF
21 CONCEPTION OR THE CHILD'S BIRTH OCCURRED IN ANOTHER STATE.

22 (F) INFORMATION ON REGISTRIES OF OTHER STATES MAY BE AVAILABLE
23 FROM THE DEPARTMENT.

24 (G) THE FORM IS SIGNED UNDER PENALTY OF PERJURY.

25 SEC. 2892B. (1) THE DEPARTMENT IS NOT REQUIRED TO LOCATE THE
26 MOTHER OF A CHILD WHO IS THE SUBJECT OF A REGISTRATION, BUT THE
27 DEPARTMENT SHALL SEND A COPY OF THE NOTICE OF REGISTRATION TO THE

1 MOTHER IF AN ADDRESS IS PROVIDED.

2 (2) INFORMATION CONTAINED IN THE REGISTRY IS CONFIDENTIAL AND
3 MAY ONLY BE RELEASED ON REQUEST TO 1 OR MORE OF THE FOLLOWING:

4 (A) THE REGISTRANT.

5 (B) A COURT OF THIS STATE OR ANOTHER STATE OR A PERSON
6 DESIGNATED BY A COURT OF THIS STATE OR ANOTHER STATE.

7 (C) THE MOTHER OF THE CHILD WHO IS THE SUBJECT OF THE
8 REGISTRATION.

9 (D) AN AGENCY AUTHORIZED BY LAW TO RECEIVE THE INFORMATION.

10 (E) A CHILD PLACING AGENCY OF THIS STATE OR OF ANOTHER STATE.

11 (F) A SUPPORT ENFORCEMENT AGENCY.

12 (G) THE CHILD'S GUARDIAN AD LITEM.

13 (H) A PARTY OR THE PARTY'S ATTORNEY OF RECORD IN AN ADOPTION
14 PROCEEDING, CUSTODY PROCEEDING, PATERNITY PROCEEDING, OR IN A
15 PROCEEDING FOR TERMINATION OF PARENTAL RIGHTS, REGARDING A CHILD
16 WHO IS THE SUBJECT OF THE REGISTRATION.

17 (I) A PUTATIVE FATHER REGISTRY IN ANOTHER STATE.

18 (3) INFORMATION CONTAINED IN THE REGISTRY IS EXEMPT FROM
19 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
20 15.231 TO 15.246.

21 (4) AN INDIVIDUAL WHO INTENTIONALLY RELEASES INFORMATION FROM
22 THE REGISTRY TO AN INDIVIDUAL OR AGENCY NOT AUTHORIZED UNDER THIS
23 SECTION TO RECEIVE THE INFORMATION IS GUILTY OF A MISDEMEANOR.

24 (5) WHEN THE DEPARTMENT RECEIVES A RECORD OF ADOPTION, THE
25 DEPARTMENT SHALL CROSS-REFERENCE THAT INFORMATION WITH THE
26 INFORMATION ON THE REGISTRY AND REMOVE ALL ENTRIES RELATING TO THE
27 CHILD WHO IS THE SUBJECT OF THE ADOPTION RECORD.

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1 SEC. 2892C. (1) IF PATERNITY HAS NOT BEEN ESTABLISHED
2 ACCORDING TO THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO
3 722.730, OR THE ACKNOWLEDGMENT OF PARENTAGE ACT, 1996 PA 305, MCL
4 722.1001 TO 722.1013, A PETITIONER FOR ADOPTION SHALL OBTAIN FROM
5 THE DEPARTMENT A CERTIFICATE THAT A SEARCH OF THE REGISTRY WAS
6 PERFORMED. IF THE CHILD'S CONCEPTION OR BIRTH OCCURRED IN ANOTHER
7 STATE, A PETITIONER FOR ADOPTION SHALL OBTAIN A CERTIFICATE FROM
8 THAT STATE INDICATING THAT A SEARCH OF THE PUTATIVE FATHER REGISTRY
9 WAS PERFORMED, IF THAT STATE HAS A PUTATIVE FATHER REGISTRY.

10 (2) THE DEPARTMENT SHALL PROVIDE TO A REQUESTER A CERTIFICATE
11 OF SEARCH OF THE REGISTRY UPON THE REQUEST OF AN INDIVIDUAL, COURT,
12 OR AGENCY LISTED IN SECTION 2892B. THE CERTIFICATE OF SEARCH SHALL
13 BE SIGNED ON BEHALF OF THE DEPARTMENT. THE CERTIFICATE OF SEARCH
14 SHALL STATE THAT A SEARCH HAS BEEN MADE OF THE REGISTRY AND EITHER
15 A REGISTRATION CONTAINING THE INFORMATION REQUIRED TO IDENTIFY THE
16 REGISTRANT HAS BEEN FOUND AND IS ATTACHED TO THE CERTIFICATE OF
17 SEARCH OR A REGISTRATION HAS NOT BEEN FOUND. NOT LATER THAN 4
18 BUSINESS DAYS AFTER RECEIPT OF THE REQUEST, THE DEPARTMENT SHALL
19 MAIL THE CERTIFICATE OF SEARCH TO THE REQUESTOR BY UNITED STATES
20 MAIL. UPON REQUEST OF THE REQUESTOR AND PAYMENT OF ANY ADDITIONAL
21 COSTS, THE DEPARTMENT SHALL HAVE THE CERTIFICATE OF SEARCH
22 DELIVERED TO THE REQUESTOR BY OVERNIGHT MAIL, IN PERSON, BY
23 MESSENGER, BY FACSIMILE, OR BY OTHER ELECTRONIC COMMUNICATION. THE
24 DEPARTMENT'S CERTIFICATE OF SEARCH OR AN APPROPRIATE CERTIFICATE OF
25 SEARCH FROM ANOTHER STATE IS SUFFICIENT PROOF THAT THE REGISTRY WAS
26 SEARCHED.

27 (3) A CERTIFICATE OF SEARCH [AND THE AFFIDAVIT REQUIRED IN SECTION
2892A(5) DOCUMENTING THE EFFORTS MADE TO PROVIDE WRITTEN NOTICE TO THE
PUTATIVE FATHER OR ALLEGED FATHER OF THE PROPOSED ADOPTION] MUST BE FILED
WITH THE COURT

1 BEFORE A PROCEEDING FOR ADOPTION OF A CHILD BORN OUT OF WEDLOCK AND
2 BEFORE A PROCEEDING FOR TERMINATION OF PARENTAL RIGHTS REGARDING A
3 CHILD MAY BE CONCLUDED.

4 (4) A CERTIFICATE OF SEARCH OF THE REGISTRY IS ADMISSIBLE IN A
5 PROCEEDING FOR ADOPTION OF A CHILD OR TERMINATION OF PARENTAL
6 RIGHTS REGARDING A CHILD AND, IF RELEVANT, IN ANY OTHER LEGAL
7 PROCEEDING.

8 SEC. 2892D. (1) THE DEPARTMENT SHALL ALLOW FOR AN ONLINE
9 UPDATE OF INFORMATION TO THE REGISTRANT.

10 (2) THE DEPARTMENT SHALL PRODUCE AND DISTRIBUTE A PAMPHLET OR
11 OTHER PUBLICATION INFORMING THE PUBLIC ABOUT THE REGISTRY THAT
12 SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

13 (A) THE PROCEDURES FOR REGISTERING WITH THE REGISTRY.

14 (B) THE CONSEQUENCES OF REGISTERING AND FAILING TO REGISTER
15 WITH THE REGISTRY IN A TIMELY MANNER.

16 (C) A DESCRIPTION OF THE REGISTRY, INCLUDING TO WHOM AND UNDER
17 WHAT CIRCUMSTANCES THE REGISTRY APPLIES.

18 (D) THE TIME LIMITS AND RESPONSIBILITIES FOR FILING.

19 (E) THE PROCEDURES FOR UPDATING REGISTRATION INFORMATION
20 ONLINE.

21 (F) OTHER APPROPRIATE PROVISIONS OF THIS SECTION.

22 (3) THE PAMPHLET OR PUBLICATION DESCRIBED IN SUBSECTION (2)
23 SHALL INCLUDE A DETACHABLE FORM THAT MEETS THE REQUIREMENTS OF
24 SECTION 2892A(6), IS SUITABLE FOR UNITED STATES MAIL, AND IS
25 ADDRESSED TO THE REGISTRY. THE PAMPHLET OR PUBLICATION SHALL BE
26 MADE AVAILABLE FOR DISTRIBUTION AT ALL OFFICES OF THE DEPARTMENT
27 AND ALL LOCAL DEPARTMENT OFFICES. THE DEPARTMENT SHALL ALSO PROVIDE

1 THE PAMPHLETS OR PUBLICATIONS TO HOSPITALS, LIBRARIES, MEDICAL
2 CLINICS, CORRECTIONAL FACILITIES, COUNTY OR CITY JAILS OR LOCKUPS,
3 SCHOOLS, UNIVERSITIES, COURTS, CHILD PLACING AGENCIES, AND OTHER
4 PROVIDERS OF CHILD-RELATED SERVICES UPON REQUEST.

5 (4) THE DEPARTMENT SHALL PROVIDE INFORMATION TO THE PUBLIC
6 THROUGH PUBLIC SERVICE ANNOUNCEMENTS, OR OTHER WAYS TO DELIVER
7 INFORMATION TO THE PUBLIC ABOUT THE REGISTRY AND ITS SERVICES.
8 BEGINNING JANUARY 1, 2015, THE DEPARTMENT MAY DISCONTINUE PROVIDING
9 INFORMATION ABOUT THE REGISTRY THROUGH PUBLIC SERVICE
10 ANNOUNCEMENTS.

11 SEC. 2892E. (1) THE REGISTRY FUND IS CREATED WITHIN THE STATE
12 TREASURY.

13 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
14 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
15 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
16 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

17 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
18 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

19 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
20 AUDITING PURPOSES.

21 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
22 APPROPRIATION, ONLY FOR THE PURPOSES OF IMPLEMENTING AND
23 ADMINISTERING THE PROVISIONS OF THIS SECTION AND SECTIONS 2892 TO
24 2892D.

25 Enacting section 1. This amendatory act takes effect January
26 1, 2014.