

HOUSE BILL No. 4691

April 24, 1989, Introduced by Reps. Gubow, Weeks, Kosteva, Munsell, Strand, Willis Bullard, Berman, Johnson, Gire, Dolan and DeMars and referred to the Committee on Judiciary.

A bill to amend sections 5 and 6 of Act No. 205 of the Public Acts of 1956, entitled "The paternity act," section 5 as amended by Act No. 107 of the Public Acts of 1986 and section 6 as amended by Act No. 129 of the Public Acts of 1982, being sections 722.715 and 722.716 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5 and 6 of Act No. 205 of the Public
2 Acts of 1956, section 5 as amended by Act No. 107 of the Public
3 Acts of 1986 and section 6 as amended by Act No. 129 of the
4 Public Acts of 1982, being sections 722.715 and 722.716 of the
5 Michigan Compiled Laws, are amended to read as follows:

6 Sec. 5. (1) Both the mother and the alleged father of the
7 child shall be competent to testify, ~~but the alleged father~~

1 ~~shall not be compelled to testify,~~ and if either gives evidence
2 he or she shall be subject to cross examination. Either party
3 may demand a trial by jury. The court may exclude the general
4 public from the room where proceedings are held, pursuant to this
5 act, admitting only persons directly interested in the case,
6 including the officers of the court, officers or public welfare
7 agents presenting the case, and witnesses.

8 (2) If the child is not born at the time set for trial, the
9 case, unless the defendant mother or defendant father consents to
10 trial, shall be continued until the child is born.

11 Sec. 6. (1) In a proceeding under this act before trial,
12 the court, upon application made by or on behalf of either party,
13 or on its own motion, shall order that the mother, child, and
14 alleged father submit to blood or tissue typing tests which may
15 include, but are not limited to, tests of red cell antigens, red
16 cell isoenzymes, human leukocyte antigens, and serum proteins to
17 determine whether the alleged father is likely to be, or is not,
18 the father of the child. A blood or tissue typing test of a
19 child shall not be taken before the child reaches the age of 6
20 months. If the court orders any blood or tissue typing test to
21 be taken and any party refuses to submit to the test, in addition
22 to any other remedies available, THE COURT MAY DO EITHER OF THE
23 FOLLOWING:

24 (A) ENTER A DEFAULT JUDGMENT AT THE REQUEST OF THE APPROPRI-
25 ATE PARTY.

1 (B) IF A TRIAL IS HELD, ALLOW THE DISCLOSURE OF the fact of
2 the refusal ~~shall be disclosed at the trial~~ unless good cause
3 is shown for not disclosing the fact of refusal.

4 (2) A blood or tissue typing test shall be made by a person
5 the court determines is qualified as an examiner of blood or
6 tissue types.

7 (3) The court shall fix the compensation of any expert at a
8 reasonable amount, and may direct the compensation to be paid by
9 the county, or by any other party to the case, or by both in the
10 proportions and at the times the court prescribes. Before the
11 making of a blood or tissue typing test, the court may order any
12 part or all of the compensation paid in advance.

13 (4) The result of a blood or tissue typing test, and if a
14 determination of exclusion of paternity cannot be made, a calcu-
15 lation of the probability of paternity made by a person the court
16 determines is qualified as an examiner of blood or tissue types
17 based on the result of a blood or tissue typing test shall be
18 admissible in evidence in the trial of the case.