FAMILY LAW SECTION
Respectfully submits the following position on:

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HB 5464

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 2,481.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 12. The number who voted opposed to this position was 1. The number who abstained from voting was 5.

SBM | FAMILY LAW SECTION

State Bar of Michigan

Report on Public Policy Position

Name of Section:
Family Law Section

Contact person:
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Bill Number:
HB 5464 (Hooker) Family law; paternity; genetic parentage act; create. Creates new act.

Date position was adopted:
May 3, 2014

Process used to take the ideological position:
Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:
21

Number who voted in favor and opposed to the position:
12 Voted for position
1 Voted against position
5 Abstained from vote
3 Did not vote

Position:
Support with amendments

Explanation of the position, including any recommended amendments:
HB 5464 is a new act entitled the Genetic Parentage Act. The act provides that if a man submitted to blood or tissue typing that determined a probability of paternity of 99% or greater, the man is the biological father of the child, and that test may be the basis for court ordered child support, custody or parenting time without further adjudication under the paternity act. The child is deemed to have the same relationship to the parents as a child born or conceived during a marriage. The IV-D agency would file a "genetic paternity transmittal" and summary report with the state registrar and the child's birth certificate would be amended to reflect the father of the child. The parties are considered to consent to the general personal jurisdiction of Michigan courts for the determination of support, custody and parenting time.

The Section supports this bill if it is amended as follows:

- Section (7)(2) states that a child has the same relationship to the father and mother as a child born in wedlock. This may have unintended consequences, especially in the adoption context, and should be replaced by a finding that the man is the child's legal father.

- The act should be amended so that blood and tissue tests are determinative without further action only if defendant raises no objections to them.

- If submitting to a genetic test will be construed as consent to jurisdiction, a warning to that effect must be given to the participants before they consent to testing. The act should also note that the UCCJEA will limit the court's jurisdiction on custody and parenting time issues.

- Section 12 should be moved to the beginning of the bill for clarity.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.
http://legislature.mi.gov/doc.aspx?2014-HB-5464