

**SUBSTITUTE FOR  
HOUSE BILL NO. 4635**

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
(MCL 552.601 to 552.650) by adding section 5.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 5. (1) AN INDIVIDUAL MAY FILE A MOTION FOR RELIEF FROM  
2 A COURT ORDER THAT STATES THAT THE INDIVIDUAL IS A CHILD'S FATHER  
3 OR THAT REQUIRES THE INDIVIDUAL TO PAY CHILD SUPPORT. EXCEPT AS  
4 OTHERWISE PROVIDED IN THIS SECTION, THE COURT SHALL VACATE AN  
5 ORDER STATING AN INDIVIDUAL IS A CHILD'S FATHER OR TERMINATE A  
6 CHILD SUPPORT ORDER IF THE COURT FINDS BOTH OF THE FOLLOWING:

7            (A) THE INDIVIDUAL IS NOT THE CHILD'S ADOPTIVE PARENT.

8            (B) GENETIC TESTING RESULTS ARE ADMITTED INTO EVIDENCE AND  
9 THE RESULTS EXCLUDE THE INDIVIDUAL AS THE CHILD'S PARENT.

10          (2) THE COURT SHALL NOT GRANT A MOTION FILED UNDER  
11 SUBSECTION (1) IF THE COURT FINDS THAT THE INDIVIDUAL WHO FILED

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1 THE MOTION KNEW OF GENETIC OR BLOOD TESTING RESULTS THAT EXCLUDED  
2 THE INDIVIDUAL AS THE CHILD'S PARENT MORE THAN 6 MONTHS BEFORE  
3 THE MOTION WAS FILED AND THE INDIVIDUAL CANNOT SHOW GOOD CAUSE AS  
4 TO THE FAILURE TO FILE THE MOTION WITHIN 6 MONTHS AFTER OBTAINING  
5 THE TEST RESULTS.

6 (3) THE COURT SHALL NOT GRANT A MOTION UNDER SUBSECTION (1)  
7 IF THE COURT FINDS THAT, AFTER AN INDIVIDUAL KNOWS THAT HE IS NOT  
8 A CHILD'S BIOLOGICAL PARENT, ANY OF THE FOLLOWING OCCUR:

9 (A) THE INDIVIDUAL ACKNOWLEDGES PATERNITY OF THE CHILD IN  
10 WRITING.

11 (B) THE INDIVIDUAL CONSENTS TO HIS NAME BEING ENTERED AS THE  
12 CHILD'S BIOLOGICAL FATHER ON THE CHILD'S BIRTH CERTIFICATE.

13 (C) THE INDIVIDUAL IS DETERMINED TO BE THE CHILD'S FATHER IN  
14 AN ACTION UNDER THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO  
15 722.730.

16 (D) THE STATE REGISTRAR FILES AN ACKNOWLEDGMENT OF PARENTAGE  
17 IN WHICH THE INDIVIDUAL DECLARES HIMSELF TO BE THE CHILD'S BIO-  
18 LOGICAL FATHER.

19 (E) THE INDIVIDUAL OTHERWISE ADMITS THAT HE IS, OR ACKNOWL-  
20 EDGES HIMSELF AS, THE CHILD'S BIOLOGICAL FATHER.

21 (4) SUBSECTION (3) DOES NOT APPLY IF THE COURT FINDS THAT AN  
22 EVENT LISTED IN SUBSECTION (3) OCCURRED BEFORE THE INDIVIDUAL  
23 KNEW THAT HE IS NOT THE CHILD'S BIOLOGICAL FATHER.

24 (5) AN INDIVIDUAL SHALL FILE A MOTION UNDER THIS SECTION  
25 WITH THE COURT THAT ISSUED THE ORDER FROM WHICH THE MOVING PARTY  
26 SEEKS RELIEF.

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1 (6) IN A PROCEEDING UNDER THIS SECTION, THE COURT, UPON  
2 APPLICATION MADE BY OR ON BEHALF OF EITHER PARTY, OR ON ITS OWN  
3 MOTION, SHALL ORDER THE CHILD, THE CHILD'S MOTHER, AND THE INDI-  
4 VIDUAL FILING THE MOTION UNDER SUBSECTION (1) TO SUBMIT TO GENE-  
5 TIC TESTING WITHIN 30 DAYS AFTER THE ORDER REQUIRING GENETIC  
6 TESTING IS ISSUED. GENETIC TESTING UNDER THIS SECTION IS SUBJECT  
7 TO THE SAME PROCEDURES AS GENETIC TESTING ORDERED UNDER SECTION 6  
8 OF THE PATERNITY ACT, 1956 PA 205, MCL 722.716.

9 (7) IF THE COURT GRANTS A MOTION UNDER THIS SECTION TO  
10 VACATE OR TERMINATE AN ORDER, AND THE MOVING PARTY AND CHILD ARE  
11 ALSO THE SUBJECTS OF A PARENTING TIME ORDER, THE COURT SHALL  
12 DETERMINE IF THE PARENTING TIME ORDER IS TERMINATED, MODIFIED, OR  
13 CONTINUED BASED UPON THE BEST INTERESTS OF THE CHILD. IF THE  
14 COURT GRANTS A MOTION UNDER THIS SECTION TO TERMINATE A CHILD  
15 SUPPORT ORDER AND AN ARREARAGE EXISTS UNDER THAT ORDER, THE COURT  
16 MAY RETROACTIVELY CORRECT THE ARREARAGE.

17 (8) IF A MOTION UNDER THIS SECTION IS TO TERMINATE A CHILD  
18 SUPPORT ORDER AND THE COURT DOES NOT GRANT THE MOTION, THE COURT  
19 SHALL ORDER THE MOVING PARTY TO PAY THE COSTS OF THE ACTION AND  
20 EACH OPPOSING PARTY'S REASONABLE ATTORNEY FEES.

21 (9) AS USED IN THIS SECTION, "GENETIC TESTING" MEANS BLOOD  
22 OR TISSUE TYPING, OR DNA IDENTIFICATION PROFILING, AS DESCRIBED  
23 IN AND PRESCRIBED BY THE PATERNITY ACT, 1956 PA 205, MCL 722.711  
24 TO 722.730.

25 Enacting section 1. This amendatory act takes effect  
26 October 1, 2001.