

HOUSE BILL No. 4005

January 22, 2009, Introduced by Rep. Calley and referred to the Committee on Families and Children's Services.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 37 of chapter X (MCL 710.37).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER X

Sec. 37. (1) If the court has proof that the person whom it determines ~~pursuant to~~ **UNDER** section 36 to be the **CHILD'S** father ~~of the child~~ was timely served with a notice of intent to release or consent ~~pursuant to~~ **UNDER** section 34(1) or was served with or waived the notice of hearing required by section 36(3), the court may permanently terminate the rights of the putative father under any of the following circumstances:

(a) The putative father submits a verified affirmation of his paternity and a denial of his interest in custody of the child.

1 (b) The putative father files a disclaimer of paternity. For
2 purposes of this section the filing of the disclaimer of paternity
3 ~~shall constitute~~ **CONSTITUTES** a waiver of notice of hearing and
4 ~~shall constitute~~ **CONSTITUTES** a denial of his interest in custody of
5 the child.

6 (c) The putative father was served with a notice of intent to
7 release or consent in accordance with section 34(1), at least 30
8 days before the expected date of confinement specified in that
9 notice but failed to file an intent to claim paternity either
10 before the expected date of confinement or before the **CHILD'S**
11 birth. ~~of the child.~~

12 (d) The putative father is given proper notice of hearing in
13 accordance with section 36(3) or 36(5) but either fails to appear
14 at the hearing or appears and denies his interest in custody of the
15 child.

16 (2) If the identity of the father cannot be determined, or if
17 the identity of the father is known but his whereabouts cannot be
18 determined, the court shall take evidence to determine the facts in
19 the matter. The court may terminate the rights of the putative
20 father if the court finds from the evidence that reasonable effort
21 has been made to identify and locate the father and that any of the
22 following circumstances exist:

23 (a) The putative father, whose identity is not known, has not
24 made provision for the child's care and did not provide support for
25 the mother during her pregnancy or during her confinement.

26 (b) The putative father, whose identity is known but whose
27 whereabouts are unknown, has not provided support for the mother,

1 has not shown any interest in the child, and has not made provision
2 for the child's care, for at least 90 days preceding the hearing
3 required under section 36.

4 (3) ANY DOCUMENT REQUIRED UNDER SUBSECTION (1) (A) OR (B) MUST
5 BE SWORN AND NOTARIZED BEFORE PRESENTATION TO THE COURT.