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BILL ANALYSIS



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Senate Bill 557 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bills 558, 559, and 560 (as reported without amendment)
Sponsor: Senator Steven Bieda (S.B. 557 & 558)
 Senator Rick Jones (S.B. 559 & 560)
Committee: Judiciary

CONTENT

Senate Bill 557 (S-2) would enact the "Revocation of Paternity Act" to establish procedures for actions to determine that a presumed father was not a child's father for the purpose of establishing paternity, and actions to set aside an acknowledgment of parentage or an order of filiation. The bill would do the following:

- Allow a child's mother, "presumed father" (a man presumed to be the father by virtue of his marriage to the child's mother at the time of the child's conception or birth), or "alleged father" (a man who by his actions could have fathered the child), or the Department of Human Services, to file an action to determine that the child was born out of wedlock for the purpose of establishing paternity, under various sets of criteria.
- Allow an action to revoke an acknowledgment of parentage to be brought by the child's mother, the "acknowledged father" (the man who signed the acknowledgment), an alleged father, or a prosecuting attorney.
- Allow an action to set aside an order of filiation to be brought by the "affiliated father" (a man determined by a court to be the child's father), the mother, or an alleged father, if the affiliated father had failed to participate in the court proceedings that determined filiation.
- Authorize the court to do any of the following: revoke an acknowledgment of parentage; set aside an order of filiation or a paternity order; determine that a child was born out of wedlock; and make a determination of paternity and enter an order of filiation.
- Allow a court to refuse to enter an order setting aside a paternity determination or determining that a child was born out of wedlock, if the order would not be in the child's best interests; and specify factors the court could consider.
- Require the court to order the parties to participate in and pay for blood or tissue typing or DNA identification profiling; and provide that the results would not be binding on the court.
- Require, as a rule, that an action be filed within three years after a child's birth, unless the action were filed within one year after the bill's effective date; and allow the court to extend a filing deadline under certain circumstances.
- Provide that a judgment under the proposed Act would not relieve a man of a child support obligation incurred before the action was filed.
- Allow the court to require the person filing an action to post money or obtain a surety that would secure the costs of the action and attorney fees; and allow the court to order a nonprevailing party to pay the fees and costs of a prevailing party.
- Prohibit an alleged father from bringing an action under the Act if the child were conceived as a result of acts for which the alleged father was convicted of criminal sexual conduct.

Senate Bill 558 would amend the Acknowledgment of Parentage Act to require an acknowledgment form to indicate that a claim to revoke an acknowledgment would have to be filed under the Revocation of Paternity Act. The bill also would repeal a section of the current Act that provides for a claim of revocation of an acknowledgment.

Senate Bill 559 would amend the Paternity Act to provide that a court would have continuing jurisdiction over proceedings to determine an action to set aside an order of filiation under the Revocation of Paternity Act.

Senate Bill 560 would amend the Estates and Protected Individuals Code to provide that a man would be considered a child's natural father for purposes of intestate succession if he were determined to be the father in an action under the Revocation of Paternity Act, in the case of a child who was born out of wedlock or born or conceived during a marriage but not the issue of that marriage.

Senate Bills 558, 559, and 560 are tie-barred to Senate Bill 557.

MCL 722.1007 (S.B. 558)
722.720 (S.B. 559)
700.2114 (S.B. 560)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. To the extent that the bills led to an increase in the caseloads of the various circuit courts, the State and local units of government could incur some increase in administrative costs. Any increase in costs would, however, be offset to some degree by a corresponding increase in relevant filing fees, motion fees, and other court-imposed fees or payments.

Date Completed: 11-10-11

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.