

HOUSE BILL No. 5467

April 23, 2014, Introduced by Reps. Hooker and Kesto and referred to the Committee on Families, Children, and Seniors.

A bill to amend 2012 PA 159, entitled
"Revocation of paternity act,"
by amending section 7 (MCL 722.1437).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The mother, the acknowledged father, an alleged
2 father, or a prosecuting attorney may file an action for revocation
3 of an acknowledgment of parentage. An action under this section
4 shall be filed within 3 years after the child's birth or within 1
5 year after the date that the acknowledgment of parentage was
6 signed, whichever is later. The requirement that an action be filed
7 within 3 years after the child's birth or within 1 year after the
8 date the acknowledgment is signed does not apply to an action filed

1 on or before ~~1 year after the effective date of this act.~~ JUNE 12,
2 2013.

3 (2) THE PROSECUTING ATTORNEY AND THE DEPARTMENT OF HUMAN
4 SERVICES MAY ENTER INTO AN AGREEMENT TO TRANSFER THE PROSECUTOR'S
5 RESPONSIBILITIES UNDER THIS ACT TO 1 OF THE FOLLOWING:

6 (A) THE FRIEND OF THE COURT, WITH THE APPROVAL OF THE CHIEF
7 CIRCUIT JUDGE.

8 (B) AN ATTORNEY EMPLOYED OR CONTRACTED BY THE COUNTY UNDER
9 SECTION 1 OF 1941 PA 15, MCL 49.71.

10 (C) AN ATTORNEY EMPLOYED BY, OR UNDER CONTRACT WITH, THE
11 DEPARTMENT OF HUMAN SERVICES.

12 (3) A PROCEEDING UNDER THIS SECTION IS CONDUCTED ON BEHALF OF
13 THE STATE AND NOT AS THE ATTORNEY FOR ANY OTHER PARTY.

14 (4) ~~(2)~~—An action for revocation under this section shall be
15 supported by an affidavit signed by the person filing the action
16 that states facts that constitute 1 of the following:

17 (a) Mistake of fact.

18 (b) Newly discovered evidence that by due diligence could not
19 have been found before the acknowledgment was signed.

20 (c) Fraud.

21 (d) Misrepresentation or misconduct.

22 (e) Duress in signing the acknowledgment.

23 (5) ~~(3)~~—If the court in an action for revocation under this
24 section finds that an affidavit under subsection ~~(2)~~—(4) is
25 sufficient, the court shall order blood or tissue typing or DNA
26 identification profiling as required under section 13(5). The
27 person filing the action has the burden of proving, by clear and

1 convincing evidence, that the acknowledged father is not the father
2 of the child.

3 (6) ~~(4)~~—The clerk of the court shall forward a copy of an
4 order of revocation entered under this section to the state
5 registrar. The state registrar shall vacate the acknowledgment of
6 parentage and may amend the birth certificate as prescribed by the
7 order of revocation.

8 (7) ~~(5)~~—Whether an action for revocation under this section is
9 brought by a complaint in an original action or by a motion in an
10 existing action, the prosecuting attorney, an attorney appointed by
11 the county, **THE FRIEND OF THE COURT**, or an attorney appointed by
12 the court is not required to represent any party regarding the
13 action for revocation.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.