



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 858 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Revocation of Paternity Act to do the following:

- Require a court to take an action revoking paternity if a child's mother, after a fact finding hearing, proved by clear and convincing evidence that her child was conceived as a result of nonconsensual sexual penetration.
- Excuse a mother who brought an action under the bill from a requirement that a person who files an action under the Act provide financial assurance that the costs of the action will be covered if the person does not prevail.
- Include a mother who was a nonprevailing party in an action brought under the bill in a provision allowing the court to order a nonprevailing party to pay the prevailing party's costs.

"Sexual penetration" would mean that term as defined in the criminal sexual conduct provisions of the Michigan Penal Code.

The bill would take effect 90 days after its enactment.

MCL 722.1443 & 722.1445

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have an indeterminate fiscal impact on State and local government. The provisions of the bill could lead to an increase in hearings to terminate parental rights. An increase in hearings could increase incremental resource demands on circuit court systems.

In 2015, the Federal government enacted the Rape Survivor Child Custody Act which, among other things, provided increased formula grants for states that have in place a law that allows the mother of any child who was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape. The maximum allowed grant increase is 10% of the average of the total amount of funding provided to the State in the past three years under the STOP Violence Against Women Formula Grant Program and the Sexual Assault Services Program. The increased funding is for a two-year period and can be reauthorized up to four times. For Michigan, the maximum increase would be approximately \$400,000 per year.

Date Completed: 6-17-16

Fiscal Analyst: Ryan Bergan