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BILL ANALYSIS

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Senate Bill 256 (as reported without amendment)
Sponsor: Senator Steven Bieda
Committee: Judiciary

CONTENT

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

- Allow a putative father to bring a paternity action.
- Provide that a putative father could not bring a paternity action if the mother were married at any time between conception and the child's birth, unless a biological relationship between the child and the putative father was acknowledged or the mother was legally separated from her husband or unmarried at or around the time of conception, and other conditions were met (as described below).
- Revise the definition of "child born out of wedlock" to include a child whom the court determines, during a paternity action, to be born or conceived during a marriage but not to be the issue of that marriage.
- Require a putative father to pay for the genetic testing expenses in an action he filed.
- Specify that a judgment in an action brought by a putative father would not relieve a presumed father, or an individual named as a father on a birth certificate, from a child support obligation incurred before the judgment.

If a child's mother were married at any time between conception and the child's birth, a putative father could not bring a paternity action unless it was commenced within one year after the child's birth, a father was not named on the child's birth certificate within one year after the child was born, or the mother's husband refused to be named as the father on the child's birth certificate. In addition, the putative father, or the putative father and the mother, would have to file an affidavit stating that he was the biological father, file the results of paternity testing or an affidavit stating that he had consented to or a court had ordered DNA identification profiling, and notify the child's presumed father or an individual named as the child's father on a birth certificate.

MCL 722.711 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-14-11

Fiscal Analyst: Matthew Grabowski