

GENETIC PARENTAGE ACT

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House Bill 5464

Sponsor: Rep. Thomas B. Hooker

Committee: Families, Children, and Seniors

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A SUMMARY OF HOUSE BILL 5464 AS INTRODUCED 4-23-14

House Bill 5464 would create a new act entitled, "the Genetic Parentage Act." The main provisions of the bill are described section-by-section below.

Section 5: Determination of Parentage

Under the new act, if a child is born out of wedlock, a man would be considered to be the biological father of that child if all of the following are true:

- The alleged father or mother is receiving services from a Title IV-D agency.
- The mother, child, and alleged father submitted to blood or tissue typing determinations that may include, determinations of red cell antigens, red cell isoenzymes, human leukocyte antigens, serum proteins, or DNA identification profiling, to determine whether the alleged father is likely to be, or is not, the father of the child.
- A blood or tissue typing or DNA identification profiling was conducted by a person accredited for paternity determinations by a nationally recognized scientific organization, including, but not limited to, the American Association of Blood Banks and approved by the Department of Human Services.
- The probability of paternity determined by the qualified person or agency conducting the blood or tissue typing or DNA identification profiling is 99% or higher.

If the results of the analysis of genetic testing material of two or more persons indicate a probability of paternity greater than 99%, the accredited person would be required to conduct additional genetic paternity testing until all but one of the alleged fathers is eliminated, unless the dispute involves two or more alleged fathers who have identical DNA.

A "Title IV-D agency" refers to that term as defined in the Support and Parenting Time Enforcement Act; in that act, the term is defined as the agency in this state performing the functions under Title IV-D of the federal Social Security Act and includes a person performing those functions under contract, including an office of the friend of the court or a prosecuting attorney.

Section 7: Genetic Testing

Under the bill, genetic testing that determines a man is the biological father of a child establishes paternity. If genetic testing establishes paternity, the mother is granted initial custody of the child, without prejudice to the determination of either parent's custodial rights, until determined by the court or otherwise agreed upon by the parties in writing and acknowledged by the court. This grant of initial custody to the mother would not, by itself, affect the rights of either parent in a proceeding to seek a court order for custody or parenting time.

Further, genetic testing that determines the man is the biological father could be the basis for court-ordered child support, custody, or parenting time without further adjudication under the Paternity Act. The child who is the subject of the genetic testing would have the same relationship to the mother and the man determined to be the biological father as a child born or conceived during a marriage and would have identical status, rights, and duties of a child born in lawful wedlock effective from birth.

Section 9: Genetic Paternity Transmittal and Summary Report

The bill would direct the Title IV-D agency to file a genetic paternity transmittal and a summary report with the state registrar. The state registrar would have to review the report upon receipt. If the report appeared to comply with the provisions of the act, the registrar would file the report in a parentage registry in the Office of the State Registrar. The report filed with the state registrar would be maintained as a permanent record in a manner consistent the provisions of the Public Health Code.

(A transmittal provides genetic testing information to the state registrar. It provides identifying information for individuals on the summary report and includes identifying information for the child, the mother, and father.)

The Title IV-D agency would need to provide a copy of the genetic paternity transmittal and the summary report to the mother and father. When the transmittal and report are filed with the state registrar on a child born in this state, the father of the child would be included on the birth certificate. The state registrar would waive the fee to amend the birth certificate. Upon request, the state registrar would issue a copy of the transmittal and report filed in the parentage registry and upon payment of the fee prescribed in the Public Health Code.

A "genetic paternity transmittal" is defined as a form issued by the Title IV-D agency to provide genetic testing information to the state registrar. Genetic paternity transmittal provides for identifying information for individuals on the summary report and includes identifying information for the child, the mother, and father.

Section 11: Consent to Jurisdiction of Courts

A mother and father who have genetic tests filed as a genetic paternity transmittal would be consenting to the general personal jurisdiction of the courts of record of this state regarding the issues of the support, custody, and parenting time of the child.

Section 12: Acknowledgement of Paternity

This act could not be used to determine paternity if the child's father has previously acknowledged paternity under the Acknowledgment of Parentage Act, (MCL 722.1001 to 722.1013), or if the child's paternity has been established under the law of this or another state.

Section 13: DHS to Create the Genetic Paternity Transmittal

The Department of Human Services would be required to create the genetic paternity transmittal.

House Bill 5464 would take effect 90 days being enacted into law.

FISCAL IMPACT:

As introduced, House Bill 5464 affects the State Registrar at the Department of Community Health, responsible for vital records. There will be costs to the department to modify the parentage registry system for receipt and retention of new genetic paternity transmittal and summary report records, and services related to the records including amending related birth certificates, and provision of copies upon request. The bill as introduced waives the fee to amend a related birth certificate, which is currently \$50. The bill requires that the fee be paid for a requested copy of a genetic paternity transmittal and summary report record, the current fee for which is \$34.

The state vital records system is supported by fees for services which are established in the Public Health Code. The waived fees will be an unfunded cost to the vital records system and the Department.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.