



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



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

House Bill 5464 (Substitute H-1 as passed by the House)
Sponsor: Representative Thomas B. Hooker
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 10-1-14

CONTENT

The bill would create the "Genetic Parentage Act" to do the following:

- **Specify that a man would be considered the biological father of a child born out of wedlock if certain conditions were met.**
- **Provide that genetic testing that determined a man was the biological father of a child would establish paternity, and could be the basis the basis for court-ordered support or parenting time.**
- **Provide that the Act could not be used to determine paternity if the child's father had been established or acknowledge paternity, or the child were subject to a pending adoption proceeding.**
- **Require the Department of Human Services (DHS) and the Department of Community Health (DCH) to create a genetic paternity determination form, which would be filed with the Office of the State Registrar.**

Specifically, a man would be considered to be the biological father of a child born out of wedlock if all of the following were true:

- The alleged father and mother were receiving services from a Title IV-D agency.
- The mother, child, and alleged father submitted to blood or tissue typing determination, or DNA identification profiling, to determine whether the alleged father was likely to be the father.
- A blood or tissue typing, or DNA identification profiling, was conducted by a person accredited for paternity determinations by a nationally recognized scientific organization.
- The probability of paternity determined by the blood or tissue typing or DNA identification profiling was 99% or higher.
- The mother and alleged father signed a form created by the DHS agreeing to submit to the test.

The form would have to include: a) a summary of how the test would be conducted, b) a summary of how the test results would establish or exclude the alleged father as the child's father, c) that if the testing established paternity, the mother would be granted custody until otherwise determined by the court or agreed to by the parties in writing and acknowledged by the court, and d) that the parties consented to the general personal jurisdiction of the court of record for this State regarding issues of support, custody, and parenting time.

If results of the genetic testing from two or more people indicated a probability of paternity greater than 99%, additional genetic paternity would have to be conducted until all but one

of the alleged fathers were eliminated, unless the dispute involved two or more alleged father who had identical DNA.

Genetic testing that determined a man was the biological father of a child would establish paternity. If genetic testing established paternity, the mother would be granted initial custody of the child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or otherwise agreed to by the parties. Genetic testing that determined that the man was the biological father of a child could be the basis for court-ordered child support, custody, or parenting time without further adjudication under the Paternity Act. The child who was 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.

The Title IV-D agency would have to file a genetic paternity determination form, which DHS and DCH would be required to create, and a summary report with the State Registrar, which would have to review the genetic paternity determination form and the summary report upon receipt. If both complied with the proposed requirements, the State Registrar would have to file the summary report and the genetic paternity determination form in the Office of the State Registrar, where they would be maintained as permanent records in a manner consistent with the Public Health Code. Copies of both would have to be provided to the mother and father. When the genetic paternity form and the summary report were filed with the State Registrar on a child born in this State, the father of the child could be included on the birth certificate unless another man were recorded as the child's father on the birth certificate.

Except as otherwise provided by law, a mother and father who had genetic tests under the proposed Act would consent to the general personal jurisdiction of the court of record for this State regarding issues of support, custody, and parenting time of the child.

The proposed Act could not be used to determine paternity if either: a) the child's father had previously acknowledged paternity under the Acknowledgement of Parentage Act or were established under the law of this or another state, or b) the child were subject to a pending adoption proceeding in this or another state.

The bill is tie-barred to House Bills 5463, 5465, and 5583, and would be effective 90 days after its enactment. (House Bill 5463 would amend the Paternity Act. House Bill 5465 would enact the "Summary Support and Paternity Act". House Bill 5583 would amend the Revocation of Paternity Act.)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would result in indeterminate costs to the State and would not have an impact on local units of government.

Pursuant to Federal laws and regulations, the DHS currently must attempt to establish paternity and secure support in IV-D cases on behalf of children born out-of-wedlock and establish paternity of children under the age of 18, among other requirements. The DHS has a contract with DNA Diagnostics Center (DDC), a genetic testing contractor, to provide laboratory services necessary to determine or exclude paternity for all 83 counties. The cost to test each individual is \$21.90. Some counties choose to use a third-party vendor. The costs to test individuals are, in some cases, paid by the individuals and in other cases by the State.

The bill would require the DHS to provide the results of the DNA testing to the Michigan Central Paternity Registry (CPR) in the Department of Community Health. The DHS does not anticipate any increased costs as a result of this requirement. The DCH could realize some additional costs to modify the CPR records system in order to document, maintain, and distribute records as needed.

Fiscal Analyst: Steve Angelotti
Frances Carley

S1314\5464sa

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.