

HOUSE BILL No. 5464

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

A bill to provide for genetic testing in certain paternity cases; and to prescribe the duties and responsibilities of certain state departments, agencies, and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "genetic parentage act".

3 Sec. 3. As used in this act:

4 (a) "Alleged father" means a man who by his actions could have
5 fathered the child.

6 (b) "Child born out of wedlock" means a child conceived and
7 born to a woman who was not married from the conception to the date
8 of birth of the child or a child that the court has determined to
9 be a child born or conceived during a marriage but not the issue of
10 that marriage.

11 (c) "DNA identification profiling" and "summary report" mean

1 those terms as defined in section 1 of the paternity act, MCL
2 722.711.

3 (d) "Genetic paternity transmittal" means a form issued by the
4 title IV-D agency to provide genetic testing information to the
5 state registrar. Genetic paternity transmittal provides identifying
6 information for individuals on the summary report and includes the
7 following information:

8 (i) The child's name, date of birth, and the name of the city,
9 county, and state where the child was born.

10 (ii) The mother's name, social security number, and date of
11 birth.

12 (iii) The father's name, social security number, and date of
13 birth.

14 (e) "Paternity act" means the paternity act, 1956 PA 205, MCL
15 722.711 to 722.730.

16 (f) "Public health code" means the public health code, 1978 PA
17 368, MCL 333.1101 to 333.25211.

18 (g) "State registrar" means that term as defined in section
19 2805 of the public health code, MCL 333.2805.

20 (h) "Title IV-D agency" means that term as defined in section
21 2 of the support and parenting time enforcement act, 1982 PA 295,
22 MCL 552.602.

23 Sec. 5. (1) If a child is born out of wedlock, a man is
24 considered to be the biological father of that child if all of the
25 following are true:

26 (a) The alleged father or mother is receiving services from a
27 title IV-D agency.

1 (b) The mother, child, and alleged father submitted to blood
2 or tissue typing determinations that may include, but are not
3 limited to, determinations of red cell antigens, red cell
4 isoenzymes, human leukocyte antigens, serum proteins, or DNA
5 identification profiling, to determine whether the alleged father
6 is likely to be, or is not, the father of the child.

7 (c) A blood or tissue typing or DNA identification profiling
8 was conducted by a person accredited for paternity determinations
9 by a nationally recognized scientific organization, including, but
10 not limited to, the American association of blood banks and
11 approved by the department of human services.

12 (d) The probability of paternity determined by the qualified
13 person described in subdivision (c) conducting the blood or tissue
14 typing or DNA identification profiling is 99% or higher.

15 (2) If the results of the analysis of genetic testing material
16 from 2 or more persons indicate a probability of paternity greater
17 than 99%, the accredited person described in subsection (1)(c)
18 shall conduct additional genetic paternity testing until all but 1
19 of the alleged fathers is eliminated, unless the dispute involves 2
20 or more alleged fathers who have identical DNA.

21 Sec. 7. (1) Genetic testing that determines a man is the
22 biological father of a child under this act establishes paternity.
23 If genetic testing establishes paternity as described in this
24 subsection, the mother is granted initial custody of the child,
25 without prejudice to the determination of either parent's custodial
26 rights, until otherwise determined by the court or otherwise agreed
27 upon by the parties in writing and acknowledged by the court. This

1 grant of initial custody to the mother does not, by itself, affect
2 the rights of either parent in a proceeding to seek a court order
3 for custody or parenting time.

4 (2) Genetic testing that determines the man is the biological
5 father of a child under this act may be the basis for court-ordered
6 child support, custody, or parenting time without further
7 adjudication under the paternity act. The child who is the subject
8 of the genetic testing has the same relationship to the mother and
9 the man determined to be the biological father under this act as a
10 child born or conceived during a marriage and has identical status,
11 rights, and duties of a child born in lawful wedlock effective from
12 birth.

13 Sec. 9. (1) The title IV-D agency shall file a genetic
14 paternity transmittal and a summary report with the state
15 registrar. The state registrar shall review the genetic paternity
16 transmittal and the summary report upon receipt. If the genetic
17 paternity transmittal and summary report appear to comply with the
18 provisions of this act, the state registrar shall file the genetic
19 paternity transmittal and the summary report in a parentage
20 registry in the office of the state registrar. The genetic
21 paternity transmittal and the summary report filed with the state
22 registrar shall be maintained as a permanent record in a manner
23 consistent with section 2876 of the public health code, MCL
24 333.2876.

25 (2) The title IV-D agency shall provide a copy of the genetic
26 paternity transmittal and the summary report to the mother and
27 father.

1 (3) When the genetic paternity transmittal and the summary
2 report are filed with the state registrar on a child born in this
3 state, the father of the child shall be included on the birth
4 certificate. The state registrar shall waive the fee to amend the
5 birth certificate as identified in section 2891 of the public
6 health code, MCL 333.2891.

7 (4) Upon request, the state registrar shall issue a copy of
8 the genetic paternity transmittal and summary report filed in the
9 parentage registry under the procedures and upon payment of the fee
10 prescribed by section 2891 of the public health code, MCL 333.2891.

11 Sec. 11. Except as otherwise provided by law, a mother and
12 father who have genetic tests that are filed as genetic paternity
13 transmittal as prescribed by section 9 are consenting to the
14 general personal jurisdiction of the courts of record of this state
15 regarding the issues of the support, custody, and parenting time of
16 the child.

17 Sec. 12. This act cannot be used to determine paternity if the
18 child's father has previously acknowledged paternity under the
19 acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to
20 722.1013, or if the child's paternity has been established under
21 the law of this or another state.

22 Sec. 13. The department of human services shall create the
23 genetic paternity transmittal.

24 Enacting section 1. This act takes effect 90 days after the
25 date it is enacted into law.