

# Legislative Analysis

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**House Bill 5825**

**Sponsor: Rep. Mike Shirkey**

**Committee: Families, Children, and Seniors**

**Complete to 9-23-14**

### **A SUMMARY OF HOUSE BILL 5825 AS INTRODUCED 9-18-14**

Section 36 of the Michigan Adoption Code says that, if a child is claimed to be born out of wedlock and the mother executes or proposes to execute a release or consent relinquishing her rights to the child, or if the mother joins in a petition for adoption filed by her husband, and the release or the consent from the natural father cannot be obtained, a judge must hold a hearing as soon as practical to determine the identity of the father and to determine or terminate the rights of the father. During that hearing, the court would receive evidence as to the identity of the father of the child. Based on the evidence, the court would enter a finding identifying the father or declaring that the identity cannot be determined.

House Bill 5825 would amend Section 36 to allow the court to receive, in lieu of the mother's live testimony, an affidavit or verified written declaration from the mother as evidence of the identity and whereabouts of the child's father. If the court determines the affidavit or verified written declaration is insufficient, it could allow an amendment of affidavit or declaration.

(The Adoption Code is Chapter X of the Probate Code.)

MCL 710.36

### **FISCAL IMPACT:**

This bill should not have a fiscal impact on the state or local units of government.

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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.