GENETIC PARENTAGE ACT
Act 365 of 2014

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

History: 2014, Act 365, Eff. Mar. 17, 2015.

The People of the State of Michigan enact:

722.1461 Short title.

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

History: 2014, Act 365, Eff. Mar. 17, 2015.

722.1463 Definitions.

Sec. 3. As used in this act:

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

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

(c) "DNA identification profiling" and "summary report" mean those terms as defined in section 1 of the paternity act, MCL 722.711.

(d) "Genetic paternity determination form" means a form issued by the title IV-D agency to provide genetic testing information to the state registrar. A genetic paternity determination form provides identifying information for individuals on the summary report and includes, but is not limited to, the following information:

(*i*) As provided under section 7 or 9, the man is the child's father.

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

(*iii*) The mother's name, social security number, and date of birth.

(*iv*) The father's name, social security number, and date of birth.

(*v*) Other information required to carry into effect the provisions of this act.

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

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

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

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

History: 2014, Act 365, Eff. Mar. 17, 2015.

722.1465 Use of act to determine paternity.

Sec. 5. This act cannot be used to determine paternity if either of the following is true:

(a) The child's father has previously acknowledged paternity under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013, or if the child's paternity has been established under the law of this or another state.

(b) The child is subject to a pending adoption proceeding under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, or if the child is subject to a pending adoption proceeding in another state.

History: 2014, Act 365, Eff. Mar. 17, 2015.

722.1467 Consideration as biological father; conditions; additional genetic paternity testing.

Sec. 7. (1) If a child is born out of wedlock, a man is considered to be the biological father of that child if all of the following are true:

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

(b) The mother, child, and alleged father submitted to blood or tissue typing determinations that may include, but are not limited to, 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.

(c) 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.

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

(e) The mother and alleged father sign a form created by the department of human services agreeing to submit to the test. The form created under this subdivision shall include, but not be limited to, the following information:

(*i*) A summary of how the tests will be conducted.

(*ii*) A summary of how the test results will establish or exclude the alleged father as the child's father.

(*iii*) That if genetic testing establishes paternity, the mother shall 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 upon by the parties in writing and acknowledged by the court.

(*iv*) That the parties consent to the general personal jurisdiction of the court of record of this state regarding the issues of the support, custody, and parenting time of the child.

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

History: 2014, Act 365, Eff. Mar. 17, 2015.

722.1469 Establishment of paternity by genetic testing; initial custody of child to mother; basis for court-ordered child support, custody, or parenting time; status, rights, and duties of child.

Sec. 9. (1) Genetic testing that determines a man is the biological father of a child under this act establishes paternity. If genetic testing establishes paternity as described in this subsection, the mother is 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 upon by the parties in writing and acknowledged by the court. This grant of initial custody to the mother does not, by itself, affect the rights of either parent in a proceeding to seek a court order for custody or parenting time.

(2) Genetic testing that determines the man is the biological father of a child under this act may 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 has the same relationship to the mother and the man determined to be the biological father under this act as a child born or conceived during a marriage and has identical status, rights, and duties of a child born in lawful wedlock effective from birth.

History: 2014, Act 365, Eff. Mar. 17, 2015.

722.1471 Genetic paternity determination form and summary report; filing with state registrar; copy to be provided to mother and father; inclusion of child's father on birth certificate; fee to amend birth certificate; issuance of copy of genetic paternity determination form and summary report.

Sec. 11. (1) The title IV-D agency shall file a genetic paternity determination form and a summary report with the state registrar. The state registrar shall review the genetic paternity determination form and the summary report upon receipt. If the genetic paternity determination form and summary report comply with the provisions of this act, the state registrar shall file the genetic paternity determination form and the summary report in a parentage registry in the office of the state registrar. The genetic paternity determination form and the summary report filed with the state registrar shall be maintained as a permanent record in a manner consistent with section 2876 of the public health code, MCL 333.2876.

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

(3) When the genetic paternity determination form and the summary report are filed with the state registrar on a child born in this state, the father of the child may be included on the birth certificate unless another man is recorded as the child's father on the birth certificate. The state registrar shall collect the fee to amend the birth certificate as identified in section 2891 of the public health code, MCL 333.2891. For a birth certificate amended under this subsection and upon written request of both parents, the child's surname shall be recorded on the birth certificate as designated by the child's parents.

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

History: 2014, Act 365, Eff. Mar. 17, 2015.

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722.1473 Consent to court jurisdiction.

Sec. 13. Except as otherwise provided by law, a mother and father who have genetic tests that are filed as a genetic paternity determination form as prescribed by section 11 are 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.

History: 2014, Act 365, Eff. Mar. 17, 2015.

722.1475 Genetic paternity determination form; creation.

Sec. 15. The department of human services in consultation with the department of community health shall create the genetic paternity determination form.

History: 2014, Act 365, Eff. Mar. 17, 2015.

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