

REVOCATION OF PATERNITY ACT (EXCERPT)
Act 159 of 2012

***** 722.1437.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

722.1437.amended Action for revocation of acknowledgment of parentage; filing; agreement to transfer prosecutor's responsibilities; proceeding on behalf of state; affidavit; order for blood or tissue typing or DNA identification profiling; forwarding copy of order to state registrar; vacating acknowledgment of parentage; amending birth certificate; representation.

Sec. 7. (1) The mother, the acknowledged parent, an alleged father, or a prosecuting attorney may file an action for revocation of an acknowledgment of parentage. An action under this section must be filed within 3 years after the child's birth or within 1 year after the date that the acknowledgment of parentage was signed, whichever is later. The requirement that an action be filed within 3 years after the child's birth or within 1 year after the date the acknowledgment is signed does not apply to an action filed on or before June 12, 2013.

(2) The prosecuting attorney and the department may enter into an agreement to transfer the prosecutor's responsibilities under this act to 1 of the following:

- (a) The friend of the court, with the approval of the chief judge of the circuit court.
- (b) An attorney employed or contracted by the county under section 1 of 1941 PA 15, MCL 49.71.
- (c) An attorney employed by, or under contract with, the department.

(3) A proceeding under this section is conducted on behalf of the state and not as the attorney for any other party.

(4) An action for revocation under this section must be supported by an affidavit signed by the person filing the action that states facts that constitute 1 of the following:

- (a) Mistake of fact.
- (b) Newly discovered evidence that by due diligence could not have been found before the acknowledgment was signed.
- (c) Fraud.
- (d) Misrepresentation or misconduct.
- (e) Duress in signing the acknowledgment.

(5) If the court in an action for revocation under this section finds that an affidavit under subsection (4) is sufficient, the court must order blood or tissue typing or DNA identification profiling as required under section 13(5). The person filing the action has the burden of proving, by clear and convincing evidence, that the acknowledged parent is not the father of the child.

(6) The clerk of the court must forward a copy of an order of revocation entered under this section to the state registrar. The state registrar must vacate the acknowledgment of parentage and may amend the birth certificate as prescribed by the order of revocation.

(7) Whether an action for revocation under this section is brought by a complaint in an original action or by a motion in an existing action, the prosecuting attorney, an attorney appointed by the county, the friend of the court, or an attorney appointed by the court is not required to represent any party regarding the action for revocation.

History: 2012, Act 159, Imd. Eff. June 12, 2012;—Am. 2014, Act 368, Eff. Mar. 17, 2015;—Am. 2024, Act 29, Eff. (sine die).