

Act No. 387
Public Acts of 1994
Approved by the Governor
December 29, 1994
Filed with the Secretary of State
December 29, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Van Regenmorter

ENROLLED SENATE BILL No. 800

AN ACT to amend section 111 of Act No 642 of the Public Acts of 1978 entitled as amended An act to revise and consolidate the laws relative to the probate of decedents estates guardianships conservatorships protective proceedings trusts and powers of attorney to prescribe penalties and liabilities and to repeal certain acts and parts of acts as amended by Act No 206 of the Public Acts of 1993 being section 700 111 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 111 of Act No 642 of the Public Acts of 1978 as amended by Act No 206 of the Public Acts of 1993 being section 700 111 of the Michigan Compiled Laws is amended to read as follows

Sec 111 (1) For all purposes of intestate succession a child is the heir of each of his or her natural parents notwithstanding the relationship between the parents except as otherwise provided by section 110

(2) If a child is born or conceived during a marriage both spouses are presumed to be the natural parents of the child for all purposes of intestate succession A child conceived following artificial insemination of a married woman with the consent of her husband shall be considered as their child for all purposes of intestate succession Consent of the husband is presumed unless the contrary is shown by clear and convincing evidence If a man and a woman participated in a marriage ceremony in apparent compliance with the law before the birth of a child even though the attempted marriage is void the child is considered to be their child for all purposes of intestate succession

(3) Only the person presumed to be the natural parent of a child under subsection (2) may disprove any presumption that may be relevant to the relationship and this exclusive right to do so terminates upon the death of the presumed parent

(4) If a child is born out of wedlock or if a child is born or conceived during a marriage but is not the issue of that marriage a man is considered to be the natural father of that child for all purposes of intestate succession if any of the following occurs

(a) The man joins with the mother of the child and acknowledges that child as his child by completing and filing an acknowledgment of paternity The man and mother shall each sign the acknowledgment of paternity in the presence of 2 witnesses who shall also sign the acknowledgment and in the presence of a judge clerk of the court or notary public appointed in this state The acknowledgment shall be filed at either the time of birth or another time during the child's lifetime with the probate court in the mother's county of residence or if the mother is not a resident of this state when the acknowledgment is executed in the county of the child's birth It is not necessary for the mother of the child to join in the acknowledgment if she is disqualified to act by reason of mental incapacity death or any other reason satisfactory to the probate judge of the county in which the acknowledgment may be recorded

(b) The man joins with the mother in a written request for a correction of certificate of birth pertaining to the child that results in issuance of a substituted certificate recording the birth of the child

(c) The man and the child have borne a mutually acknowledged relationship of parent and child that began before the child became age 18 and continued until terminated by the death of either

(d) The man has been determined to be the father of the child and an order of filiation establishing that paternity has been entered pursuant to the paternity act Act No 205 of the Public Acts of 1956 being sections 722 711 to 722 730 of the Michigan Compiled Laws

(5) Property of a child born out of wedlock or a child born or conceived during a marriage but not the issue of that marriage passes in accordance with the law of intestate succession except that the father and his kindred shall not be considered as relatives of the child unless the child might have inherited from the father as provided in this section

(6) If a person is considered or presumed by a provision of this section not including subsection (7) to be the natural parent of a child born out of wedlock or a child born or conceived during a marriage but not the issue of that marriage that child shall bear the same relationship to that person as a child born or conceived during a marriage for all other purposes and shall have the identical status rights and duties of a child born in lawful wedlock effective from birth

(7) The biological father of a child who is born out of wedlock or who is born or conceived during a marriage but is not the issue of that marriage shall be considered to be the natural father of that child for the purpose of intestate succession from the father to the child only This subsection does not extinguish a child's right to inherit from another person considered to be the child's natural or legal father under another provision of law This subsection does not apply to a child who is adopted by another man before the date of death of the child's biological father

(8) If the department of social services or the prosecuting attorney provides assistance to parties in executing an acknowledgment of paternity the department or prosecutor as applicable shall provide to the mother and man written information on the parents rights and responsibilities resulting from the acknowledgment That information shall set forth at least all of the following

(a) The right to assert a claim for visitation or custody

(b) The right to notice and a hearing regarding the adoption of the child

(c) The responsibility to comply with a child support order if issued after the acknowledgment

(9) An acknowledgment of paternity executed as provided in this section is presumed to establish paternity for all purposes The acknowledgment may be set aside by the circuit court in the county where it is filed only if the man is proven not to be the father by clear and convincing evidence

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor