

# HOUSE BILL No. 4028

January 15, 2015, Introduced by Rep. Kosowski and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2805 (MCL 333.2805), as amended by 1996 PA 307,  
and by adding sections 2893, 2893a, 2893b, 2893c, 2893d, and 2893e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2805. (1) "State registrar" means the official appointed  
2 under section 2813 or his or her authorized representative.

3           (2) "System of vital statistics" means the collection,  
4 certification, compilation, amendment, coordination, and  
5 preservation of vital records, including the tabulation, analysis,  
6 and publication of vital statistics.

7           (3) "Vital record" means a certificate or registration of  
8 birth, death, marriage, or divorce; an acknowledgment of parentage;

1 AN ENTRY IN THE RESPONSIBLE FATHER REGISTRY CREATED IN SECTION  
2 2893; or related data.

3 (4) "Vital statistics" means data derived from vital records  
4 and related reports.

5 SEC. 2893. (1) AS USED IN THIS SECTION AND SECTIONS 2893A TO  
6 2893E:

7 (A) "CHILD PLACING AGENCY" MEANS THAT TERM AS DEFINED IN  
8 SECTION 1 OF 1973 PA 116, MCL 722.111.

9 (B) "REGISTRY" MEANS THE RESPONSIBLE FATHER REGISTRY CREATED  
10 IN SUBSECTION (2).

11 (C) "SUPPORT ENFORCEMENT AGENCY" MEANS THAT TERM AS DEFINED IN  
12 SECTION 104 OF THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA  
13 310, MCL 552.1104.

14 (2) THE DEPARTMENT SHALL ADMINISTER AND MAINTAIN A REGISTRY TO  
15 BE KNOWN AS THE "RESPONSIBLE FATHER REGISTRY". THE DEPARTMENT SHALL  
16 INCLUDE IN THE REGISTRY ALL REGISTRATIONS FILED AS DESCRIBED IN  
17 SECTION 2893A AND ALL REGISTRATIONS FILED IN ANOTHER STATE UNDER  
18 SIMILAR LAWS OF THAT STATE AND PRESENTED TO THE DEPARTMENT FOR  
19 FILING.

20 SEC. 2893A. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)  
21 OR UNLESS NOTICE IS GIVEN UNDER SUBSECTION (5), A MAN WHO DESIRES  
22 TO BE NOTIFIED OF A PROCEEDING FOR ADOPTION OF A CHILD OR  
23 TERMINATION OF PARENTAL RIGHTS REGARDING A CHILD WHOM HE MAY HAVE  
24 FATHERED SHALL REGISTER WITH THE REGISTRY BEFORE THE CHILD'S BIRTH  
25 OR NOT MORE THAN 5 DAYS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER THE  
26 CHILD'S BIRTH. A REGISTRANT MAY PROMPTLY NOTIFY THE REGISTRY OF ANY  
27 CHANGE IN THE INFORMATION REGISTERED, INCLUDING, BUT NOT LIMITED

1 TO, CHANGE OF ADDRESS. THE DEPARTMENT SHALL INCORPORATE ALL NEW  
2 INFORMATION RECEIVED INTO ITS RECORDS BUT IS NOT REQUIRED TO OBTAIN  
3 CURRENT INFORMATION FOR INCORPORATION IN THE REGISTRY.

4 (2) A MAN'S PARENTAL RIGHTS ARE NOT WAIVED BY FAILING TO  
5 REGISTER WITH THE REGISTRY IF THE MAN HAS ESTABLISHED PATERNITY  
6 ACCORDING TO THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO  
7 722.730, OR THE ACKNOWLEDGMENT OF PARENTAGE ACT, 1996 PA 305, MCL  
8 722.1001 TO 722.1013.

9 (3) FAILURE TO REGISTER WITH THE REGISTRY ACCORDING TO  
10 SUBSECTION (1) WAIVES A MAN'S RIGHT TO RECEIVE THE NOTICE TO WHICH  
11 HE IS OTHERWISE ENTITLED AND IS A DENIAL OF HIS INTEREST IN CUSTODY  
12 OF THE CHILD, WHICH DENIAL SHALL RESULT IN THE COURT'S TERMINATION  
13 OF HIS PARENTAL RIGHTS TO THE CHILD UNLESS THE MAN WAS LED TO  
14 BELIEVE THROUGH THE BIRTH MOTHER'S FRAUD THAT THE PREGNANCY WAS  
15 TERMINATED OR THE MOTHER MISCARRIED WHEN IN FACT THE BABY WAS BORN  
16 OR THAT THE CHILD DIED WHEN IN FACT THE CHILD IS ALIVE. THE MAN  
17 MUST REGISTER WITH THE REGISTRY NOT MORE THAN 5 DAYS, EXCLUDING  
18 WEEKENDS AND HOLIDAYS, AFTER DISCOVERING THE FRAUD DESCRIBED IN  
19 THIS SUBSECTION.

20 (4) A CHILD PLACING AGENCY OR AN ATTORNEY INVOLVED IN THE  
21 PROPOSED ADOPTION SHALL GIVE NOTICE OF A PROCEEDING FOR THE  
22 ADOPTION OF A CHILD OR TERMINATION OF PARENTAL RIGHTS REGARDING A  
23 CHILD TO A REGISTRANT WHO HAS REGISTERED IN A TIMELY MANNER  
24 ACCORDING TO SUBSECTION (1). A MAN WHO REGISTERS WITH THE REGISTRY  
25 IN A TIMELY MANNER IS ENTITLED TO NOTICE OF ANY HEARING INVOLVING  
26 THE CHILD WHO IS THE SUBJECT OF THE REGISTRATION TO DETERMINE THE  
27 FATHER'S IDENTITY OF THAT CHILD AND ANY HEARING TO DETERMINE OR

1 TERMINATE THE FATHER'S PARENTAL RIGHTS TO THAT CHILD.

2 (5) A MAN WHO HAS ENGAGED IN SEXUAL INTERCOURSE WITH A WOMAN  
3 IS CONSIDERED TO BE ON LEGAL NOTICE THAT A CHILD MAY BE CONCEIVED  
4 AND THE MAN IS ENTITLED TO ALL LEGAL RIGHTS AND OBLIGATIONS AS A  
5 RESULT. LACK OF KNOWLEDGE OF THE PREGNANCY DOES NOT EXCUSE FAILURE  
6 TO REGISTER IN A TIMELY MANNER. IN THE EVENT THAT THE IDENTITY AND  
7 WHEREABOUTS OF THE PUTATIVE FATHER OR ALLEGED FATHER ARE REASONABLY  
8 ASCERTAINABLE, A CHILD PLACING AGENCY OR AN ATTORNEY INVOLVED IN  
9 THE PROPOSED ADOPTION SHALL PROVIDE THE PUTATIVE FATHER OR ALLEGED  
10 FATHER WITH WRITTEN NOTICE OF THE MOTHER'S INTENDED RELEASE OR  
11 CONSENT TO ADOPTION AND THE AVAILABILITY OF REGISTRATION WITH THE  
12 REGISTRY BY PERSONAL SERVICE OR BY CERTIFIED MAILING RETURN RECEIPT  
13 REQUEST WITH DELIVERY RESTRICTED TO THE ADDRESSEE USING THE MAN'S  
14 LAST KNOWN ADDRESS. PERSONAL SERVICE OR CERTIFIED MAILING MAY BE  
15 EITHER BEFORE OR AFTER THE CHILD'S BIRTH. IF EXECUTED BEFORE THE  
16 CHILD'S BIRTH, THE MAN HAS NOT MORE THAN 5 DAYS, EXCLUDING WEEKENDS  
17 AND HOLIDAYS, FROM THE DATE OF THE CHILD'S BIRTH TO REGISTER. IF  
18 EXECUTED AFTER THE CHILD'S BIRTH, THE MAN HAS NOT MORE THAN 5 DAYS,  
19 EXCLUDING WEEKENDS AND HOLIDAYS, FROM THE DATE OF THE PERSONAL  
20 SERVICE OR RECEIPT OF THE CERTIFIED MAILING TO REGISTER. THE CHILD  
21 PLACING AGENCY OR THE ATTORNEY INVOLVED IN THE PROPOSED ADOPTION  
22 SHALL PREPARE AN AFFIDAVIT DOCUMENTING ALL EFFORTS MADE TO PROVIDE  
23 THE PUTATIVE FATHER OR ALLEGED FATHER WITH THE WRITTEN NOTICE  
24 REQUIRED UNDER THIS SUBSECTION.

25 (6) THE DEPARTMENT SHALL PREPARE A FORM FOR REGISTERING WITH  
26 THE REGISTRY THAT INCLUDES ALL OF THE FOLLOWING:

27 (A) THE REGISTRANT'S NAME, DATE OF BIRTH, AND SOCIAL SECURITY

1 NUMBER.

2 (B) THE REGISTRANT'S DRIVER LICENSE NUMBER AND STATE OF  
3 ISSUANCE.

4 (C) THE REGISTRANT'S HOME ADDRESS, TELEPHONE NUMBER, AND  
5 EMPLOYER.

6 (D) THE NAME, DATE OF BIRTH, ETHNICITY, ADDRESS, AND TELEPHONE  
7 NUMBER OF THE MOTHER, IF KNOWN.

8 (E) THE STATE, CITY, AND PLACE WHERE CONCEPTION OCCURRED AND  
9 THE APPROXIMATE DATE OF POSSIBLE CONCEPTION.

10 (F) THE CHILD'S PLACE AND DATE OF BIRTH, IF KNOWN.

11 (G) THE CHILD'S NAME AND GENDER, IF KNOWN.

12 (H) THE REGISTRANT'S SIGNATURE. A FORM FOR REGISTERING WITH  
13 THE REGISTRY IS NOT COMPLETE UNLESS SIGNED BY THE REGISTRANT AND  
14 NOTARIZED.

15 (7) THE FORM DESCRIBED IN SUBSECTION (6) SHALL ALSO INCLUDE A  
16 STATEMENT REGARDING ALL OF THE FOLLOWING:

17 (A) REGISTRATION IN A TIMELY MANNER ENTITLES THE REGISTRANT TO  
18 NOTICE OF A PROCEEDING FOR ADOPTION OF THE CHILD OR TERMINATION OF  
19 THE REGISTRANT'S PARENTAL RIGHTS.

20 (B) REGISTRATION DOES NOT INITIATE A PROCEEDING TO ESTABLISH  
21 PATERNITY.

22 (C) THE INFORMATION DISCLOSED ON THE FORM MAY BE USED AGAINST  
23 THE REGISTRANT TO ESTABLISH PATERNITY.

24 (D) SERVICES TO ASSIST IN FILING WITH THE REGISTRY ARE  
25 AVAILABLE TO THE REGISTRANT THROUGH THE DEPARTMENT.

26 (E) THE REGISTRANT SHOULD ALSO REGISTER IN ANOTHER STATE IF  
27 CONCEPTION OR THE CHILD'S BIRTH OCCURRED IN ANOTHER STATE.

1 (F) INFORMATION ON REGISTRIES OF OTHER STATES MAY BE AVAILABLE  
2 FROM THE DEPARTMENT.

3 (G) THE FORM IS SIGNED UNDER PENALTY OF PERJURY.

4 SEC. 2893B. (1) THE DEPARTMENT IS NOT REQUIRED TO LOCATE THE  
5 MOTHER OF A CHILD WHO IS THE SUBJECT OF A REGISTRATION, BUT THE  
6 DEPARTMENT SHALL SEND A COPY OF THE NOTICE OF REGISTRATION TO THE  
7 MOTHER IF AN ADDRESS IS PROVIDED.

8 (2) INFORMATION CONTAINED IN THE REGISTRY IS CONFIDENTIAL AND  
9 MAY ONLY BE RELEASED ON REQUEST TO 1 OR MORE OF THE FOLLOWING:

10 (A) THE REGISTRANT.

11 (B) A COURT OF THIS STATE OR ANOTHER STATE OR A PERSON  
12 DESIGNATED BY A COURT OF THIS STATE OR ANOTHER STATE.

13 (C) THE MOTHER OF THE CHILD WHO IS THE SUBJECT OF THE  
14 REGISTRATION.

15 (D) AN AGENCY AUTHORIZED BY LAW TO RECEIVE THE INFORMATION.

16 (E) A CHILD PLACING AGENCY OF THIS STATE OR OF ANOTHER STATE.

17 (F) A SUPPORT ENFORCEMENT AGENCY.

18 (G) THE CHILD'S GUARDIAN AD LITEM.

19 (H) A PARTY OR THE PARTY'S ATTORNEY OF RECORD IN AN ADOPTION  
20 PROCEEDING, CUSTODY PROCEEDING, PATERNITY PROCEEDING, OR IN A  
21 PROCEEDING FOR TERMINATION OF PARENTAL RIGHTS, REGARDING A CHILD  
22 WHO IS THE SUBJECT OF THE REGISTRATION.

23 (I) A PUTATIVE FATHER REGISTRY IN ANOTHER STATE.

24 (3) INFORMATION CONTAINED IN THE REGISTRY IS EXEMPT FROM  
25 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL  
26 15.231 TO 15.246.

27 (4) AN INDIVIDUAL WHO INTENTIONALLY RELEASES INFORMATION FROM

1 THE REGISTRY TO AN INDIVIDUAL OR AGENCY NOT AUTHORIZED UNDER THIS  
2 SECTION TO RECEIVE THE INFORMATION IS GUILTY OF A MISDEMEANOR.

3 (5) WHEN THE DEPARTMENT RECEIVES A RECORD OF ADOPTION, THE  
4 DEPARTMENT SHALL CROSS-REFERENCE THAT INFORMATION WITH THE  
5 INFORMATION ON THE REGISTRY AND REMOVE ALL ENTRIES RELATING TO THE  
6 CHILD WHO IS THE SUBJECT OF THE ADOPTION RECORD.

7 SEC. 2893C. (1) IF PATERNITY HAS NOT BEEN ESTABLISHED  
8 ACCORDING TO THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO  
9 722.730, OR THE ACKNOWLEDGMENT OF PARENTAGE ACT, 1996 PA 305, MCL  
10 722.1001 TO 722.1013, A PETITIONER FOR ADOPTION SHALL OBTAIN FROM  
11 THE DEPARTMENT A CERTIFICATE THAT A SEARCH OF THE REGISTRY WAS  
12 PERFORMED. IF THE CHILD'S CONCEPTION OR BIRTH OCCURRED IN ANOTHER  
13 STATE, A PETITIONER FOR ADOPTION SHALL OBTAIN A CERTIFICATE FROM  
14 THAT STATE INDICATING THAT A SEARCH OF THE PUTATIVE FATHER REGISTRY  
15 WAS PERFORMED, IF THAT STATE HAS A PUTATIVE FATHER REGISTRY.

16 (2) THE DEPARTMENT SHALL PROVIDE TO A REQUESTER A CERTIFICATE  
17 OF SEARCH OF THE REGISTRY UPON THE REQUEST OF AN INDIVIDUAL, COURT,  
18 OR AGENCY LISTED IN SECTION 2893B. THE CERTIFICATE OF SEARCH SHALL  
19 BE SIGNED ON BEHALF OF THE DEPARTMENT. THE CERTIFICATE OF SEARCH  
20 SHALL STATE THAT A SEARCH HAS BEEN MADE OF THE REGISTRY AND EITHER  
21 A REGISTRATION CONTAINING THE INFORMATION REQUIRED TO IDENTIFY THE  
22 REGISTRANT HAS BEEN FOUND AND IS ATTACHED TO THE CERTIFICATE OF  
23 SEARCH OR A REGISTRATION HAS NOT BEEN FOUND. NOT LATER THAN 4  
24 BUSINESS DAYS AFTER RECEIPT OF THE REQUEST, THE DEPARTMENT SHALL  
25 MAIL THE CERTIFICATE OF SEARCH TO THE REQUESTOR BY UNITED STATES  
26 MAIL. UPON REQUEST OF THE REQUESTOR AND PAYMENT OF ANY ADDITIONAL  
27 COSTS, THE DEPARTMENT SHALL HAVE THE CERTIFICATE OF SEARCH

1 DELIVERED TO THE REQUESTOR BY OVERNIGHT MAIL, IN PERSON, BY  
2 MESSENGER, BY FACSIMILE, OR BY OTHER ELECTRONIC COMMUNICATION. THE  
3 DEPARTMENT'S CERTIFICATE OF SEARCH OR AN APPROPRIATE CERTIFICATE OF  
4 SEARCH FROM ANOTHER STATE IS SUFFICIENT PROOF THAT THE REGISTRY WAS  
5 SEARCHED.

6 (3) A CERTIFICATE OF SEARCH AND THE AFFIDAVIT REQUIRED IN  
7 SECTION 2893A(5) DOCUMENTING THE EFFORTS MADE TO PROVIDE WRITTEN  
8 NOTICE TO THE PUTATIVE FATHER OR ALLEGED FATHER OF THE PROPOSED  
9 ADOPTION MUST BE FILED WITH THE COURT BEFORE A PROCEEDING FOR  
10 ADOPTION OF A CHILD BORN OUT OF WEDLOCK AND BEFORE A PROCEEDING FOR  
11 TERMINATION OF PARENTAL RIGHTS REGARDING A CHILD MAY BE CONCLUDED.

12 (4) A CERTIFICATE OF SEARCH OF THE REGISTRY IS ADMISSIBLE IN A  
13 PROCEEDING FOR ADOPTION OF A CHILD OR TERMINATION OF PARENTAL  
14 RIGHTS REGARDING A CHILD AND, IF RELEVANT, IN ANY OTHER LEGAL  
15 PROCEEDING.

16 SEC. 2893D. (1) THE DEPARTMENT SHALL ALLOW FOR AN ONLINE  
17 UPDATE OF INFORMATION TO THE REGISTRANT.

18 (2) THE DEPARTMENT SHALL PRODUCE AND DISTRIBUTE A PAMPHLET OR  
19 OTHER PUBLICATION INFORMING THE PUBLIC ABOUT THE REGISTRY THAT  
20 SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

21 (A) THE PROCEDURES FOR REGISTERING WITH THE REGISTRY.

22 (B) THE CONSEQUENCES OF REGISTERING AND FAILING TO REGISTER  
23 WITH THE REGISTRY IN A TIMELY MANNER.

24 (C) A DESCRIPTION OF THE REGISTRY, INCLUDING TO WHOM AND UNDER  
25 WHAT CIRCUMSTANCES THE REGISTRY APPLIES.

26 (D) THE TIME LIMITS AND RESPONSIBILITIES FOR FILING.

27 (E) THE PROCEDURES FOR UPDATING REGISTRATION INFORMATION



1 ONLINE.

2 (F) OTHER APPROPRIATE PROVISIONS OF THIS SECTION.

3 (3) THE PAMPHLET OR PUBLICATION DESCRIBED IN SUBSECTION (2)  
4 SHALL INCLUDE A DETACHABLE FORM THAT MEETS THE REQUIREMENTS OF  
5 SECTION 2893A(6), IS SUITABLE FOR UNITED STATES MAIL, AND IS  
6 ADDRESSED TO THE REGISTRY. THE PAMPHLET OR PUBLICATION SHALL BE  
7 MADE AVAILABLE FOR DISTRIBUTION AT ALL OFFICES OF THE DEPARTMENT  
8 AND ALL LOCAL DEPARTMENT OFFICES. THE DEPARTMENT SHALL ALSO PROVIDE  
9 THE PAMPHLETS OR PUBLICATIONS TO HOSPITALS, LIBRARIES, MEDICAL  
10 CLINICS, CORRECTIONAL FACILITIES, COUNTY OR CITY JAILS OR LOCKUPS,  
11 SCHOOLS, UNIVERSITIES, COURTS, CHILD PLACING AGENCIES, AND OTHER  
12 PROVIDERS OF CHILD-RELATED SERVICES UPON REQUEST.

13 (4) THE DEPARTMENT SHALL PROVIDE INFORMATION TO THE PUBLIC  
14 THROUGH PUBLIC SERVICE ANNOUNCEMENTS, OR OTHER WAYS TO DELIVER  
15 INFORMATION TO THE PUBLIC ABOUT THE REGISTRY AND ITS SERVICES.  
16 BEGINNING JANUARY 1, 2017, THE DEPARTMENT MAY DISCONTINUE PROVIDING  
17 INFORMATION ABOUT THE REGISTRY THROUGH PUBLIC SERVICE  
18 ANNOUNCEMENTS.

19 SEC. 2893E. (1) THE REGISTRY FUND IS CREATED WITHIN THE STATE  
20 TREASURY.

21 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
22 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL  
23 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT  
24 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

25 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL  
26 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

27 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR

1 AUDITING PURPOSES.

2 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON  
3 APPROPRIATION, ONLY FOR THE PURPOSES OF IMPLEMENTING AND  
4 ADMINISTERING THE PROVISIONS OF THIS SECTION AND SECTIONS 2893 TO  
5 2893D.

6 Enacting section 1. This amendatory act takes effect January  
7 1, 2016.