

Act No. 31
Public Acts of 2024
Approved by the Governor
April 1, 2024
Filed with the Secretary of State
April 1, 2024
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Reps. Pohutsky, Steckloff, Morgan, Conlin and O'Neal

ENROLLED HOUSE BILL No. 5214

AN ACT to amend 1996 PA 305, entitled "An act to prescribe procedures for and the contents of acknowledgments of parentage; to state the effects of those acknowledgments; to provide procedures and criteria for revoking acknowledgments; and to prescribe powers and duties of certain state officers and employees," by amending sections 2, 3, 4, 6, and 7 (MCL 722.1002, 722.1003, 722.1004, 722.1006, and 722.1007), section 3 as amended by 2014 PA 409, section 6 as amended by 2006 PA 105, and section 7 as amended by 2012 PA 161.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

- (a) "Acknowledged parent" means an individual who has established a parent-child relationship under this act.
- (b) "Acknowledgment" means an acknowledgment of parentage executed as provided in this act.
- (c) "Child" means a child conceived and born to a woman who was not married at the time of conception or the date of birth of the child, a child that the circuit court determines was born or conceived during a marriage but is not the issue of that marriage, or a child that is born to an individual who gave birth to a child conceived through assisted reproduction.
- (d) "Court" means the circuit court.
- (e) "State registrar" means that term as defined in section 2805 of the public health code, 1978 PA 368, MCL 333.2805.

Sec. 3. (1) If a child is born out of wedlock, a man is considered to be the natural father of that child if the man joins with the mother of the child and acknowledges that child as his child by completing a form that is an acknowledgment of parentage.

(2) If a child born out of wedlock is conceived by assisted reproduction as defined in the assisted reproduction and surrogacy parentage act, an individual is considered to be the natural parent of that child if the individual joins with the individual who gave birth to the child and acknowledges that child as their child by completing a form that is an acknowledgment of parentage.

(3) If a child is born to a married individual who gave birth to a child conceived by assisted reproduction as defined in the assisted reproduction and surrogacy parentage act, their spouse is considered to be an acknowledged parent by completing a form that is an acknowledgment of parentage.

(4) An acknowledgment of parentage form is valid and effective and establishes the parentage of a child if signed by individuals eligible to acknowledge parentage as set forth in subsections (1), (2), and (3) and those signatures are each notarized by a notary public authorized by the state in which the acknowledgment is signed or witnessed by 1 disinterested, legally competent adult. The witness must be an employee of 1 of the following: a hospital, publicly funded or licensed health clinic, pediatric office, friend of the court, prosecuting attorney, court, department of health and human services, county health agency, county records department, head start program, local social services provider, county jail, or state prison. The witness must sign and date the acknowledgment of parentage form and provide his or her printed name, address, and place of employment. An acknowledgment may be signed any time during the child's lifetime.

(5) The birth parent and the acknowledged parent must be provided a copy of the completed acknowledgment at the time of signing.

Sec. 4. An acknowledgment that complies with this act and is filed with the state registrar establishes parentage and is the equivalent to an adjudication of parentage of the child and confers on the acknowledged parent all rights and duties of a parent, and the acknowledgment may be the basis for court ordered child support, custody, or parenting time without further adjudication under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, or under the assisted reproduction and surrogacy parentage act. The child who is the subject of the acknowledgment bears the same relationship to the birth parent and the acknowledged parent as a child born or conceived during a marriage and has the identical status, rights, and duties of a child born in lawful wedlock effective from birth.

Sec. 6. After completion of an acknowledgement of parentage signed according to section 3(1) that complies with this act is filed with the state registrar, the mother has initial custody of the minor 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.

Sec. 7. The acknowledgment of parentage form must include at least all of the following written notices to the parties:

(a) The acknowledgment of parentage is a legal document.

(b) Completion of the acknowledgment is voluntary.

(c) For acknowledgments of parentage signed according to section 3(1), the mother has initial custody of the child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or agreed 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.

(d) Either parent may assert a claim in court for parenting time or custody.

(e) The parents have a right to notice and a hearing regarding the adoption of the child.

(f) Both parents have the responsibility to support the child and to comply with a court or administrative order for the child's support.

(g) Notice that signing the acknowledgment waives the following:

(i) Blood or genetic tests to determine if the man is the biological father of the child.

(ii) Any right to an attorney, including the prosecuting attorney or an attorney appointed by the court in the case of indigency, to represent either party in a court action to determine if the man is the biological father of the child.

(iii) A trial to determine if the man is the biological father of the child.

(h) That in order to revoke an acknowledgment of parentage, an individual must file a claim as provided under the revocation of parentage act.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5207 of the 102nd Legislature is enacted into law.


Clerk of the House of Representatives


Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 5207, referred to in enacting section 2, was filed with the Secretary of State April 1, 2024, and became 2024 PA 24, Eff. (sine die).