

**SUBSTITUTE FOR
HOUSE BILL NO. 5214**

A bill to amend 1996 PA 305, entitled
"Acknowledgment of parentage act,"
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:

1 Sec. 2. As used in this act:

2 **(a) "Acknowledged parent" means an individual who has**
3 **established a parent-child relationship under this act.**

4 **(b)** ~~(a)~~-"Acknowledgment" means an acknowledgment of parentage
5 executed as provided in this act.

6 **(c)** ~~(b)~~-"Child" means a child conceived and born to a woman

1 who was not married at the time of conception or the date of birth
 2 of the child, ~~or~~ a child that the circuit court determines was born
 3 or conceived during a marriage but is not the issue of that
 4 marriage, **or a child that is born to an individual who gave birth**
 5 **to a child conceived through assisted reproduction.**

6 (d) ~~(e)~~ "Court" means the circuit court.

7 ~~(d) "Father" means the man who signs an acknowledgment of~~
 8 ~~parentage of a child.~~

9 (e) "State registrar" means that term as defined in section
 10 2805 of the public health code, ~~Act No. 368 of the Public Acts of~~
 11 ~~1978, being section 333.2805 of the Michigan Compiled Laws.~~ **1978 PA**
 12 **368, MCL 333.2805.**

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

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

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

28 (4) ~~(2)~~ An acknowledgment of parentage form is valid and
 29 effective **and establishes the parentage of a child** if signed by ~~the~~

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

15 (5) ~~(3)~~ ~~The mother and father shall~~ **birth parent and the**
 16 **acknowledged parent must** be provided a copy of the completed
 17 acknowledgment at the time of signing.

18 Sec. 4. An acknowledgment ~~signed under this act~~ **that complies**
 19 **with this act and is filed with the state registrar** establishes
 20 ~~paternity, parentage and is the equivalent to an adjudication of~~
 21 **parentage of the child and confers on the acknowledged parent all**
 22 **rights and duties of a parent,** and the acknowledgment may be the
 23 basis for court ordered child support, custody, or parenting time
 24 without further adjudication under the paternity act, ~~Act No. 205~~
 25 ~~of the Public Acts of 1956, being sections 722.711 to 722.730 of~~
 26 ~~the Michigan Compiled Laws. 1956 PA 205, MCL 722.711 to 722.730, or~~
 27 **under the assisted reproduction and surrogacy parentage act.** The
 28 child who is the subject of the acknowledgment ~~shall bear~~ **bears** the
 29 same relationship to the ~~mother and the man signing as the father~~

1 **birth parent and the acknowledged parent** as a child born or
 2 conceived during a marriage and ~~shall have~~**has** the identical
 3 status, rights, and duties of a child born in lawful wedlock
 4 effective from birth.

5 Sec. 6. After ~~a mother and father sign an acknowledgment of~~
 6 ~~parentage, the mother~~**completion of an acknowledgement of parentage**
 7 **signed according to section 3(1) that complies with this act is**
 8 **filed with the state registrar, the mother** has initial custody of
 9 the minor child, without prejudice to the determination of either
 10 parent's custodial rights, until otherwise determined by the court
 11 or otherwise agreed upon by the parties in writing and acknowledged
 12 by the court. This grant of initial custody to the mother ~~shall~~
 13 **does** not, by itself, affect the rights of either parent in a
 14 proceeding to seek a court order for custody or parenting time.

15 Sec. 7. The acknowledgment of parentage form ~~shall~~**must**
 16 include at least all of the following written notices to the
 17 parties:

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

19 (b) Completion of the acknowledgment is voluntary.

20 (c) ~~The mother~~**For acknowledgments of parentage signed**
 21 **according to section 3(1), the mother** has initial custody of the
 22 child, without prejudice to the determination of either parent's
 23 custodial rights, until otherwise determined by the court or agreed
 24 by the parties in writing and acknowledged by the court. This grant
 25 of initial custody to the mother ~~shall~~**does** not, by itself, affect
 26 the rights of either parent in a proceeding to seek a court order
 27 for custody or parenting time.

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

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

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

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

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

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

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

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

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

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