

HOUSE BILL NO. 5214

October 24, 2023, Introduced by Reps. Pohutsky, Steckloff, Morgan, Conlin and O'Neal and referred to the Committee on Judiciary.

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

1 **established a parent-child relationship under this act.**

2 (b) ~~(a)~~—"Acknowledgment" means an acknowledgment of parentage
3 executed as provided in this act.

4 (c) ~~(b)~~—"Child" means a child conceived and born to a woman
5 who was not married at the time of conception or the date of birth
6 of the child, ~~or a child that the circuit court determines was born~~
7 ~~or conceived during a marriage but is not the issue of that~~
8 **marriage, or a child that is born to an individual who gave birth**
9 **to a child conceived through assisted reproduction.**

10 (d) ~~(c)~~—"Court" means the circuit court.

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

13 (e) "State registrar" means that term as defined in section
14 2805 of the public health code, ~~Act No. 368 of the Public Acts of~~
15 ~~1978, being section 333.2805 of the Michigan Compiled Laws.~~**1978 PA**
16 **368, MCL 333.2805.**

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

21 **An acknowledgment of parentage to establish the parentage of the**
22 **child may be signed by an unmarried individual who gave birth to**
23 **the child and an alleged genetic father of the child or an**
24 **individual, married or unmarried, who gave birth to a child**
25 **conceived through assisted reproduction and an intended parent,**
26 **married or unmarried, of a child conceived through assisted**
27 **reproduction under the assisted reproduction and surrogacy**
28 **parentage act.**

29 (2) An acknowledgment of parentage form is valid and effective

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

15 (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 birth parent** has initial
 9 custody of the minor child, without prejudice to the determination
 10 of either parent's custodial rights, until otherwise determined by
 11 the court or otherwise agreed upon by the parties in writing and
 12 acknowledged by the court. This grant of initial custody to the
 13 ~~mother shall~~**birth parent does** not, by itself, affect the rights of
 14 either parent in a proceeding to seek a court order for custody or
 15 parenting time.

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

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

20 (b) Completion of the acknowledgment is voluntary.

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

29 (d) Either parent may assert a claim in court for parenting

1 time or custody.

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

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

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

9 (i) Blood or genetic tests to determine if the ~~man-alleged~~
10 **genetic father** is the biological father of the child.

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

16 (iii) A trial to determine if the ~~man-alleged~~ **genetic father** is
17 the biological father of the child.

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

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

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 5207 (request no.
25 03362'23 *) of the 102nd Legislature is enacted into law.