

REVOCATION OF PARENTAGE ACT (EXCERPT)
Act 159 of 2012

722.1438 Action for order determining genetic father not child's father.

Sec. 8.

(1) The mother, the genetic father, an alleged father, or a prosecuting attorney may file an action for an order determining that a genetic father is not a child's father. An action under this section shall be filed within 3 years after the child's birth or within 1 year after the date that the genetic father was established as a child's father, whichever is later.

(2) An action under this section shall be supported by an affidavit signed by the person filing the action that states facts constituting 1 of the following:

- (a) The genetic tests that established the man as a child's father were inaccurate.
- (b) The man's genetic material was not available to the child's mother.
- (c) A man who has DNA identical to the genetic father is the child's father.

(3) If the court in an action under this section finds that an affidavit under subsection (2) is sufficient, the court shall order blood or tissue typing or DNA identification profiling as required under section 13(5). The person filing the action has the burden of proving, by clear and convincing evidence, that the genetic father is not the father of the child. The court may order the person filing the action to repay the cost of the genetic test to the state.

(4) If a genetic father has been reported to the state registrar as a child's father, the clerk of the court shall forward a copy of an order determining that the genetic father is not a child's father to the state registrar. The state registrar shall remove the genetic father as the child's father and may amend the birth certificate as prescribed by the order.

(5) Whether an action filed under this section is brought by a complaint in an original action or by a motion in an existing action, the prosecuting attorney, an attorney appointed by the county, or an attorney appointed by the court is not required to represent any party regarding the action.

History: Add. 2014, Act 376, Eff. Mar. 17, 2015