

ASSISTED REPRODUCTION AND SURROGACY PARENTAGE ACT (EXCERPT)
Act 24 of 2024
PART 2
PARENTAGE OF CHILD OF ASSISTED REPRODUCTION NOT INVOLVING SURROGACY

722.1801 Consent to assisted reproduction; parent status.

Sec. 201.

An individual who consents under section 202 to assisted reproduction with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1802 Requirements for consent to assisted reproduction.

Sec. 202.

(1) The consent described in section 201 must be either of the following:

(a) In a record signed before, on, or after the birth of the child by the individual who gave birth to the child and by an individual who intends to be a parent of the child. An acknowledgment of parentage under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013, is a record within the meaning of this subdivision.

(b) In an agreement entered into before conception that the individual who gave birth to the child and the individual who intends to be a parent of the child intended they both would be parents of the child.

(2) Failure to consent as required by subsection (1) does not preclude a court from finding consent to parent if the individual for the first 2 years of the child's life, including any period of temporary absence, resided in the same household with the child and openly held out the child as the individual's child.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1803 Adjudication of parentage; proceedings; burden of proof.

Sec. 203.

(1) An individual who is an intended parent or the individual who gave birth to the child may bring a proceeding to adjudicate parentage for a judgment of parentage in the family division of the circuit court. If the court determines the individual is a parent under this act, either because the individual gave birth to the child or the individual is a consenting intended parent under section 202, the court shall adjudicate the individual to be a parent of the child.

(2) The individual who will give or who gave birth or an individual who is or claims to be a parent under this section may commence an action before or after the birth of a child to obtain a judgment to declare that the intended parent or parents are the parent or parents of the resulting child immediately on birth of the child and order that parental rights and responsibilities vest exclusively in the intended parent or parents immediately on birth of the child. A certificate of live birth of a child must comply with this act and must be established as provided under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

(3) On request of a party and consistent with law of this state other than this act, the court in an action under this act may order the name of the child changed. If the final judgment is at variance with the child's birth certificate, the court must order the state registrar to issue an amended birth certificate.

(4) A judgment issued before the birth of the resulting child does not take effect until the birth of the resulting child. This subsection must not be construed to limit the court's authority to issue other orders under other laws of this state.

(5) This state, the department, and the hospital where the child is or is expected to be born are not necessary parties to an action under this section.

(6) The burden of proof in an action under this section is by a preponderance of the evidence.

History: 2024, Act 24, Eff. Apr. 2, 2025

722.1804 Parentage of deceased intended parent.

Sec. 204.

(1) If an individual who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the individual's death does not preclude the establishment of the individual's parentage of the child if the individual otherwise would be a parent of the child under this act.

(2) If an individual who consented in a record to assisted reproduction by an individual who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased individual is a parent of a child conceived by the assisted reproduction only if both of the following occurred:

(a) Either the individual consented in a record that if assisted reproduction were to occur after the death of the individual, the individual would be a parent of the child or the individual's intent to be a parent of a child conceived by assisted reproduction after the individual's death is established by clear and convincing evidence.

(b) Either the transfer occurs not later than 36 months after the individual's death or the child's birth occurs not later than 45 months after the individual's death.

History: 2024, Act 24, Eff. Apr. 2, 2025