

Order

Michigan Supreme Court
Lansing, Michigan

February 21, 2014

Robert P. Young, Jr.,
Chief Justice

148094

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

In re E. R. MOILES, Minor.

SC: 148094
COA: 314970
Mecosta CC Family Division:
11-005712-NA

On order of the Court, the application for leave to appeal the October 29, 2013 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals regarding the sufficiency of the parties' affidavit under the Revocation of Paternity Act, MCL 722.1431 *et seq.* Under the Acknowledgment of Parentage Act, MCL 722.1001 *et seq.*, an acknowledging father is not required to attest that he is the biological father. Thus, the Court of Appeals erred in concluding that the parties' knowledge of the possibility that respondent was not the biological father of the child was sufficient to demonstrate either fraud or misrepresentation under MCL 722.1437(2). The circuit court similarly erred when, in partial reliance on the DNA identification profiling results, it granted the petition for revocation of the acknowledgment of parentage. We also VACATE that part of the judgment of the Court of Appeals regarding the applicability of MCL 722.1443(4) to an action for revocation of an acknowledgment of parentage. Because the parties' affidavit did not meet the requirements of MCL 722.1437(2), the Court of Appeals erred in addressing the applicability of MCL 722.1443(4). We REMAND this case to the Mecosta Circuit Court for further proceedings not inconsistent with this order.



s0129

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 21, 2014


Clerk