

Report on Public Policy Position**Name of section:**

Family Law Section

Contact person:

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[HB 4061](#) (Lemmons) Family law; child support; termination of child support obligations when DNA evidence demonstrates payer is not the biological parent; provide for. Amends [1982 PA 295](#) (MCL [552.601](#) - [552.650](#)) by adding sec. 5f.

Date position was adopted:

March 7, 2009

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

16 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

HB 4061 is a reintroduction of a bill that Council opposed last term. It requires a court to vacate paternity and child support orders if the legal father presents DNA evidence that he is not the biological father. Although the court is required to terminate the child support order, the court may order that parenting time continue or even be increased. The motion may be filed at any time, and the court must order the child's mother to reimburse all child support that she has received from the payer. This provision would violate the federal bar of retroactive modifications of child support. The Family Law Section believes that establishment of paternity should be an important and permanent step, and that children should be able to know who their parents are. No purported father should be allowed to sign an acknowledgment of paternity, which excludes all other paternity claimants, without proving that they are the father through genetic testing. This bill encourages irresponsible Acknowledgments of Paternity. The Family Law Section opposes this bill.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2009-HB-4061>